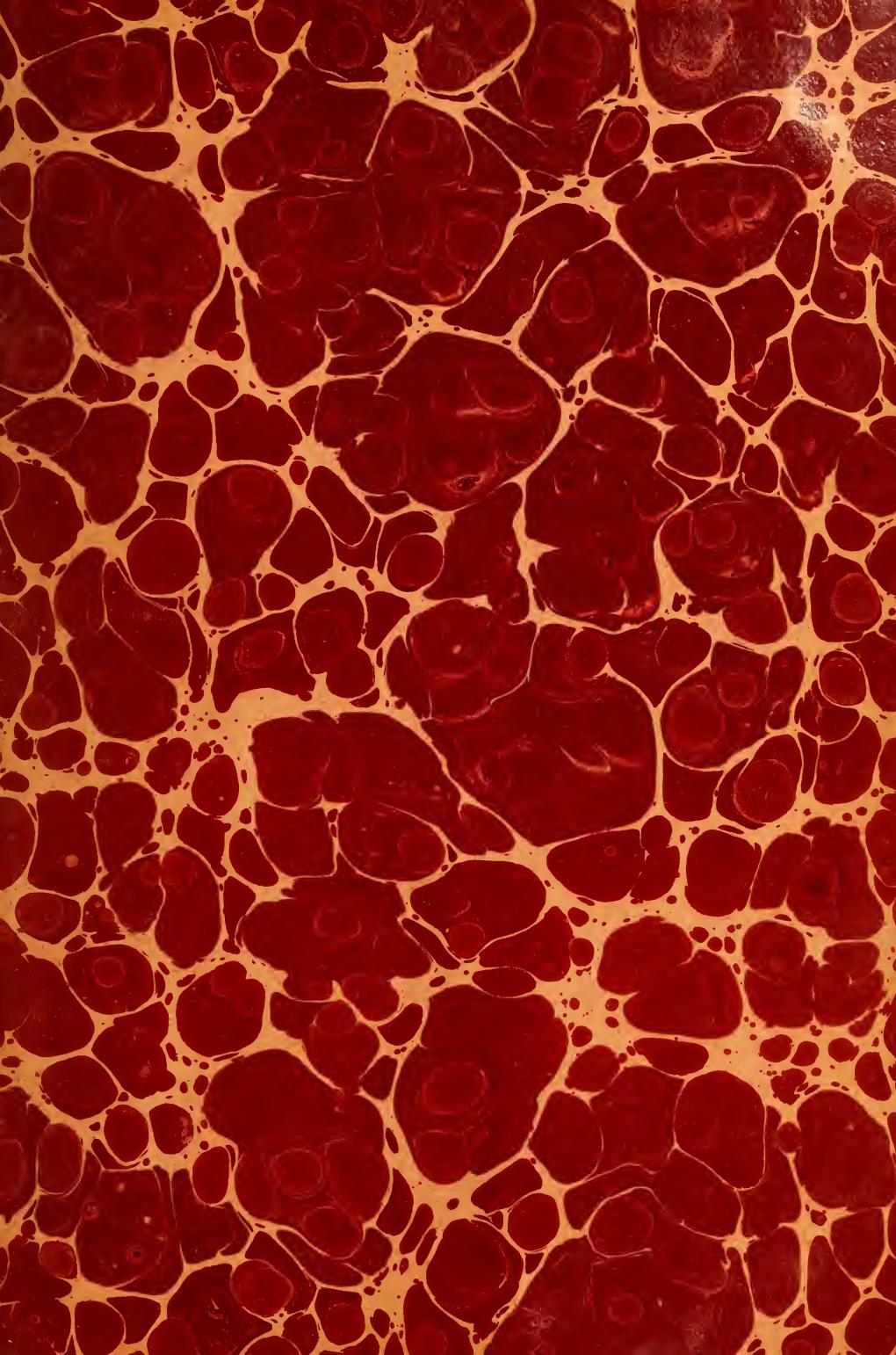




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Department Bulletin

No. 1

THE CONSOLIDATED SCHOOL LAW

OF THE

STATE OF NEW YORK

WITH THE

RULES OF PRACTICE RELATING TO APPEALS

AND

GENERAL LAWS AND SPECIAL ACTS RELATING TO SCHOOL ADMINISTRATION

In force on Oct. 1, 1905

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NEW YORK STATE EDUCATION DEPARTMENT

1905

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STATE OF NEW YORK
EDUCATION DEPARTMENT
Regents of the University
With years when terms expire

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1905

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UNIFICATION ACT 1904

Chapter 40

An act to provide that "the University of the State of New York" shall be governed and its corporate powers exercised by 11 Regents, and to provide for their election; and to provide for a Department of Education and the election of a Commissioner of Education.

Became a law Mar. 8, 1904, with the approval of the Governor. Passed, three fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1 Government of University. On and after the first day of April, 1904, the corporation designated by the Constitution as "the University of the State of New York" shall be governed and its corporate powers exercised by 11 Regents. The term of office of the Regents now in office, not selected as herein provided, shall cease and determine on said first day of April following the election of the 11 Regents hereinafter provided for. There shall be no "ex officio" members of the Board of Regents.

§ 2 Election of Regents. Within 10 days after the passage of this act the Legislature shall proceed to the election of 11 Regents of the University of the State of New York, in the manner now

prescribed by law for the election of a Regent. Such Regents shall be elected for the term of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 years respectively, from the first day of April, 1904. The Secretary of State shall issue to each of the persons so elected a certificate of election, in the same manner as certificates are now issued to elected members of the Board of Regents. Such Regents shall be selected from those who are now Regents of the University of the State of New York, and so far as may be, that one shall be chosen from each judicial district. The successors in office for a full term of the Regents thus elected shall in the same manner be elected by the Legislature in the second week of February in each year, to serve for a period of 11 years from the first day of April succeeding such election. If a vacancy in the Board of Regents shall occur in a judicial district, (that is, in the territory comprising the same as now constituted) from which there remains one or more representatives on said Board, and there shall at the same time be a district not represented on the Board by a resident thereof, such vacancy shall be filled by the election of a Regent from such unrepresented district. A vacancy in the office of Regent for other cause than expiration of term of service, shall be filled for the unexpired term by an election at the session of the Legislature immediately following such vacancy, unless the Legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such Legislature.

Commissioner
of Education

§3 Commissioner of Education. Within 10 days after the passage of this act, the Legislature shall elect a Commissioner of Education in the same manner as members of the Board of Regents are now elected, who either may or may not be a resident of the State of New York. The Commissioner shall receive an annual salary of \$7500, payable monthly, and shall also be paid \$1500 in lieu and in full for his traveling and other expenses, also payable monthly. He shall enter upon the performance of the duties of his office on the first day of April, 1904. The Commissioner of Education first elected shall serve for the term of six years unless sooner removed for cause by the Board of Regents, and the Legislature shall fill any vacancy that may occur during such period of six years for the balance of the term, in the manner provided by section 3 of this act, and all successors in office after such term of six years, shall serve during the pleasure of the Board of Regents, and all vacancies in the office of Commissioner of Education after such six years shall be filled by appointment by the Board of Regents.

§ 4 Powers of Commissioner. The office of Superintendent of Public Instruction and the office of Secretary of the Board of Regents shall be abolished from and after Ap. 1, 1904, and the powers and duties of said offices shall be exercised and performed by the Commissioner of Education. All the powers and duties of the Board of Regents in relation to the supervision of elementary and secondary schools including all schools, except colleges, technical and professional schools, are hereby devolved upon the Commissioner of Education. The said Commissioner of Education shall also act as the executive officer of the Board of Regents. He shall have power to create such departments as in his judgment shall be necessary. He shall also have power to appoint deputies and heads of such departments, subject to the approval of the State Board of Regents. Such heads of departments shall appoint, subject to approval by the Commissioner of Education, such subordinates in their respective departments as in their judgment shall be necessary. The Commissioner of Education, for the first year of his incumbency, subject to approval by the State Board of Regents, shall fix and determine the salaries of all deputies, appointees and employees within the appropriations made therefor and in accordance with existing laws. The Board of Regents of the University shall have power to establish such rules and regulations as are necessary to carry into effect the statutes of this State relating to education, and, subject to the provisions and limitations of this act, shall also possess all the powers now exercised by the present State Board of Regents. Nothing in this act shall be construed to affect the powers of the Board of Regents in relation to colleges, universities, professional and technical schools, libraries (other than public school libraries), museums, university extension courses and similar agencies.

§ 5 Of appropriations. All appropriations of public money made in support of the common school system, as heretofore administered by the State Superintendent of Public Instruction, and all such appropriations in aid of secondary education heretofore apportioned and certified by the Regents of the University, shall after certification by the Commissioner of Education herein created, be paid by the State Treasurer on the warrant of the Comptroller, and all employees and appointees in either the Department of the Regents or Department of Public Instruction shall be eligible for transfer and appointment to positions in the office of the Commissioner of Education herein created.

§ 6 All acts and parts of acts so far as inconsistent with this act are hereby repealed.

§ 7 This act shall take effect immediately.

THE CONSOLIDATED SCHOOL LAW

*Chapter 556 as amended to the close of the session of 1905
Laws of 1894, ch. 556*

An act to revise, amend and consolidate the general acts relating to public instruction

Became a law May 8, 1894, taking effect June 30, 1894

TITLE I

State Superintendent of Public Instruction, his election, and general powers and duties

TITLE II

State and other school moneys, their apportionment and distribution; and trusts and gifts for the benefit of common schools

Art. I Of the state school moneys, and their apportionment by the Superintendent of Public Instruction, and payment to county and city treasurers

II Of the apportionment of state schools moneys, and of other school moneys by the school commissioners and their payment to the supervisors

III Of trusts for the benefit of common schools, and of town school funds, fines, penalties and other moneys held or given for their benefit

TITLE III

Supervisors, disbursement of school moneys by, and some of their special powers and duties under this act

TITLE IV

Town clerks, their duties under this act

TITLE V

School commissioners, their election, powers and duties

TITLE VI

School districts, formation, alteration and dissolution thereof

TITLE VII

Meetings in common school districts, the election of school district officers, and their powers and duties

Art. I Of common school district meetings; who are voters, and their powers

II Of district schoolhouses and sites

- III Of the qualification, election and terms of office of district officers, and of vacancies in such offices
- IV Of the duties of district clerk and treasurer
- V Of pupils and teachers
- VI Of trustees, their powers and duties; and of school taxes and annual reports
- VII Of the assessment of district taxes, and the collection of such taxes; and of the collector, his powers, duties and liabilities

TITLE VIII

Union free schools, how established, who are voters at meetings and their powers; election and terms of office of members of boards of education. and powers of such boards

- Art I Of the proceedings for the establishment of union free schools; powers of voters at meetings; classification of terms of office and election of members of boards of education; certified copies of proceedings of meetings to be filed; board of education to elect a president and appoint a treasurer and collector
- II Of the qualifications of voters in union free school districts; and of meetings of such voters and their powers
- III Of annual and special meetings, and of election of members of boards of education and clerk in districts where the number of children exceeds three hundred
- IV Of the powers and duties of boards of education
- V Of the alteration of union free school districts; the increase or diminution of number of members of boards of education, and of dissolution of union free school districts

TITLE IX

Acquisition of schoolhouse sites

TITLE X

Teachers institutes

TITLE XI

Teachers training classes

TITLE XII

State scholarships in Cornell University

TITLE XIII

Common school and public libraries

TITLE XIV

Appeals to Superintendent of Public Instruction

TITLE XV**Miscellaneous provisions**

Art. I Of loss of school moneys apportioned; of forfeiture by school officers by reason of neglect to sue for penalties; of costs in suits which might have been the subject of appeal to the Superintendent of Public Instruction; of costs in suits, actions and proceedings other than appeals to the Superintendent of Public Instruction

II Changes in textbooks

III Care of code of public instruction

IV Contracts between school districts and boards of education in cities

V Memorandum of contracts with teachers

VI Physiology and hygiene in the public schools

VII Free instruction in drawing

VIII Vocal music in the public schools

IX Free kindergarten in cities and villages

X Industrial training in the public schools

XI Schools for colored children

XII Orphan schools

XIII Indian schools

XIV Deaf and dumb and blind institutions

XV Arbor day

XVI Miscellaneous

TITLE XVI**Compulsory education of children****TITLE I****State Superintendent of Public Instruction, his election and general powers and duties**

Short title

§ 1 Short title. This chapter shall be known as the "Consolidated School Law."

State Superintendent, his election and term

§ 2 The office of State Superintendent of Public Instruction is continued and the term of said office shall be three years, commencing on the seventh day of April. Such Superintendent shall be elected by joint ballot of the Senate and Assembly on the second Wednesday of February next preceding the expiration of the term of the then incumbent of said office, and on the second Wednesday of February next after the occurrence of any vacancy in the office. The Superintendent's office shall be in the Capitol, and maintained at the expense of the state. His salary shall be \$5000 a year, payable monthly, by the Treasurer, on the warrant of the Comptroller.

Office in Capitol

Salary

Deputy Superintendent

§ 3 He shall appoint a deputy, who shall receive an annual salary of \$4000 payable monthly by the Treasurer on the warrant of the Comptroller; and in case of a vacancy in the office of Super-

¹Superseded by laws 1904, chapter 40.

intendent the Deputy may perform all the duties of the office until the day hereinbefore fixed for the commencement of the term of said office. In case the office of both Superintendent and Deputy Vacancies shall be vacant, the Governor shall appoint some person to perform the duties of the office until the Superintendent shall be elected and his term of office commence as hereinbefore provided.

¹§4 He may appoint as many clerks and employees as he may ^{Clerks and employees} deem necessary, but the compensation of such clerks and employees shall not exceed in the aggregate the sum annually appropriated by the Legislature therefor, and shall be payable monthly by the Treasurer, on the warrant of the Comptroller, and the certificate of the Superintendent.

²§5 The seal of the Superintendent, of which a description and ^{Official seal} impression are now on file in the o' ce of the Secretary of State, shall continue to be his official seal, and when necessary, may be renewed from time to time. Copies of all papers deposited or ^{Copies of records etc.} filed in the Superintendent's office, and of all acts, orders and decisions made by him, and of the drafts or machine copies of his official letters, may be authenticated under the said seal, and when so authenticated, shall be evidence equally with and in like ^{Evidence} manner as the originals.

³§6 The Superintendent shall be ex officio a Regent of the Uni- ^{Duties ex officio} versity of the State of New York, a trustee of Cornell University and of the New York State Asylum for Idiots. He shall also have general supervision over the state normal schools which ^{Supervision of normal schools, etc.} have been and which may hereafter be established; and he shall provide for the education of the Indian children of the state, as required by the provisions of this act.

⁴§7 The Superintendent may, in his discretion, appoint per- ^{Visitation of common schools by appointees} sons to visit and examine all or any of the common schools in the county where such persons reside, and to report to him all such matters respecting their condition and management, and the means of improving them, as he shall prescribe; but no allowance or compensation shall be made to such visitors for their services or expenses.

⁵§8 So often as he can, consistently with his other duties, he ^{Visitation of same by Superintendent} shall visit such of the common schools of the state as he shall see fit, and inquire into their course of instruction, management and discipline, and advise and encourage the pupils, teachers and officers thereof.

⁶§9 He shall submit to the Legislature an annual report containing: ^{Annual report}

¹Superseded by laws 1904, chapter 40.

²Under laws of 1904, chapter 40, there are no ex officio Regents.

TITLE I

1 A statement of the condition of the common schools of the state, and of all other schools and institutions under his supervision, and subject to his visitation as Superintendent.

2 Estimates and accounts of expenditures of the school moneys and a statement of the apportionment of school moneys made by him.

3 All such matters relating to his office, and all such plans and suggestions for the improvement of the schools and the advancement of public instruction in the state, as he shall deem expedient.

§ 10 He may grant under his hand and seal of office a certificate of qualification to teach, and may revoke the same. While unrevoked, such certificate shall be conclusive evidence that the person to whom it was granted is qualified by moral character, learning and ability, to teach any common school in the state.

Such certificate may be granted by him only upon examination. He shall determine the manner in which such examination shall be conducted, and may designate proper persons to conduct the same, and report the result to him. He may also appoint times and places for holding such examinations, at least once in each year, and cause due notice thereof to be given. Every such certificate so granted shall be deemed and considered a legal license and authority to teach in any of the public schools of this state, without further examination of the person to whom the same was granted, any provision of law in conflict with this provision to the contrary notwithstanding. He may also, in his discretion, issue a certificate without examination, to any graduate of a college or university who has had three years' experience as a teacher. Such last mentioned certificate shall be known as the "college graduate's certificate," and may be revoked at any time for cause.

He may also, in his discretion, indorse a diploma issued by a state normal school or a certificate issued by a state superintendent or state board of education in any other state, which indorsement shall confer upon the holder thereof the same privileges conferred by law upon the holders of diplomas or certificates issued by state normal schools or by the State Superintendent in this state. He may also issue temporary licenses to teach, limited to any school commissioner district or school district, and for a period not exceeding six months whenever, in his judgment, it may be necessary or expedient for him to do so.

§ 11 Upon cause shown to his satisfaction, he may annul any certificate of qualification granted to a teacher by a school commissioner, or declare any diploma issued by a state normal school

Teacher's
certificate

Examinations
therefor

License to
teach

College
graduate's
certificates

Indorsement
of diplomas
and state cer-
tificates

Temporary
licenses to
teach

Annulment
of certificates,
etc.

ineffective and null as a qualification to teach a common school within this state, and he may reconsider and reverse his action in any such matter.

§ 12 He shall prepare and keep in his office alphabetical lists of all persons who have received, or shall receive, certificates of qualification from himself, or diplomas of the state normal schools, with the dates thereof, and shall note thereon all annulments and reversals of such certificates and diplomas, with the dates and causes thereof, together with such other particulars as he may deem expedient.

§ 13 Whenever it shall be proved to his satisfaction that any school commissioner or other school officer has been guilty of any wilful violation or neglect of duty under this act, or any other act pertaining to common schools, or wilfully disobeying any decision, order or regulation of the Superintendent, the Superintendent may, by an order under his hand and seal, which order shall be recorded in his office, remove such school commissioner or other school officer from his office. Said Superintendent may also withhold any share of the public money of the state from any district for wilfully disobeying any decision, order or regulation as aforesaid, or when authorized by any provision of this act.

§ 14 He shall prepare suitable registers, blanks, forms and regulations for making all reports and conducting all necessary business under this act, and shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the common schools and the due execution of their duties by school officers, to be transmitted to the officers and persons intrusted with the execution of the same.

§ 15 The Superintendent may administer oaths and take affidavits concerning any matter relating to the schools.

TITLE II

State and other school moneys, their apportionment and distribution, and of trusts and gifts for the benefit of common schools

ARTICLE 1¹

Of the state school moneys and their apportionment by the Superintendent of Public Instruction, and payment to county and city treasurers.

§ 3 The Comptroller may withhold the payment of any moneys to which any county may be entitled from the appropriation of the incomes of the school fund and the United States deposit

¹Chapter 390, laws of 1904, repeals sections 1 and 2 of this article.

TITLE 2

Temporary loans for deficiencies

fund for the support of common schools, until satisfactory evidence shall be furnished to him that all moneys required by law to be raised by taxation upon such county, for the support of schools throughout the state, have been collected and paid or accounted for to the State Treasurer; and whenever, after the first day of March in any year, in consequence of the failure of any county to pay such moneys on or before that day there shall be a deficiency of moneys in the treasury applicable to the payment of school moneys, to which any other county may be entitled, the Treasurer and Superintendent of Public Instruction are hereby authorized to make a temporary loan of the amount so deficient, and such loan, and the interest thereon at the rate of 12 per cent per annum, until payment shall be made to the treasury, shall be a charge upon the county in default, and shall be added to the amount of state tax, and levied upon such county by the board of supervisors thereof at the next ensuing assessment, and shall be paid into the treasury in the same manner as other taxes.

State school moneys defined

§ 4 The moneys raised by the state tax or borrowed as aforesaid to supply a deficiency thereof, and such portion of the income of the United States deposit fund as shall be appropriated, and the income of the common school fund, when the same are appropriated to the support of common schools, constitute the state school moneys, and shall be divided and apportioned by the Superintendent of Public Instruction, on or before the 20th day of January in each year as hereinafter provided; and all moneys so apportioned, except the library moneys, shall be applied exclusively to the payment of teachers' wages.

Annual apportionment

§ 5 He shall apportion and set apart from the free school fund appropriated therefor the amounts required to pay the annual salaries of the school commissioners elected or elective under this act, to be drawn out of the treasury and paid to the several commissioners as hereinafter provided. Said Superintendent shall make no allotment to any city or district for the expense of a superintendent unless satisfied that such city, village or district, employs a competent person as superintendent whose time is exclusively devoted to the general supervision of the public schools of said city, village or district; nor shall he make any allotment to any district in the first instance without first causing an enumeration of the inhabitants thereof to be made, which shall show the population thereof to be at least 5000, the expense of which enumeration, as certified by said State Superintendent, shall be

Applied to teachers' wages

For pay of school commissioners

Cities, villages and districts employing superintendents

Enumeration of inhabitants in the first instance

¹As amended by chapter 316, laws of 1902.

paid by the district in whose interest it is made. He shall then set apart, from the income of the United States deposit fund, for library moneys and as library moneys, such sums as the Legislature shall appropriate for that purpose. After deducting the said amounts he shall divide and apportion the remainder of the state school moneys as hereinafter specified. To each city \$800. To each village which has a population of 5000 as shown by the last state census, or federal or village enumeration, and which employs a superintendent of schools, \$800. To each union school district which has a population of 5000, and which employs a superintendent of schools, \$800. An appropriation under either of the first three subdivisions hereof is known as the supervision quota. He shall set apart contingent fund for a contingent fund not more than \$10,000.

¹§6 From the remainder he shall apportion;

1 To each district having an assessed valuation of \$40,000 or less, as appears by the report of the trustees upon which such apportionment is based, and to each Indian reservation for each teacher employed therein for a like period, \$150; and to each of the remaining districts, and to each of the cities in the state, \$125. The apportionment provided for by this subdivision shall be known as a district quota.

2 To each such district or city for each additional qualified teacher and his successors by whom the common school has been taught, during the period of time required by the school law, \$100; but pupils employed as monitors or otherwise, shall not be deemed teachers. The apportionment provided for by this subdivision shall be known as a teachers quota.

3 The remainder to the several counties according to their respective population by a ratio to be ascertained by dividing such remainder by the population of the state as shown by the last federal census or state enumeration; except that for the purpose of this apportionment the city of New York shall be considered one county. But as to counties in which are situated cities whose boundary lines are coterminous with the school district lines comprising said city, he shall apportion to such city the part to which it shall so appear entitled, and to the residue of the county the part to which it shall appear to be so entitled.

To entitle a district to a district quota, a qualified teacher or successive qualified teacher must have actually taught the common school of the district for at least 160 days of school, inclusive of legal holidays that may occur during the term of said schools

¹As amended by chapter 316, laws of 1902, and chapter 598, laws of 1903.

Teacher's attendance at institute excused

and exclusive of Saturdays. No Saturday shall be counted as part of said 160 days of school and no school shall be in session on a legal holiday, except Washington's birthday and Lincoln's birthday. A deficiency not exceeding three weeks during any school year caused by a teacher's attendance upon a teachers institute within a county shall be excused by the Superintendent of Public Instruction.

Population, how determined

§7 Having so apportioned and distributed the said district quota as specified in section 6 of this act, the Superintendent shall apportion the remainder of said state school moneys, and also the library moneys separately, among the counties of the state, according to their respective population, excluding Indians residing on their reservation, as the same shall appear from the last preceding state or United States census; but as to counties in which are situated cities having special school acts, he shall apportion to each city the part to which it shall so appear entitled, and to the residue of the county the part to which it shall appear to be so entitled. If the census according to which the apportionment shall be made does not show the sum of the population of any county or city, the Superintendent shall, by the best evidence he can procure, ascertain and determine the population of such county or city at the time the census was taken, and make his apportionment accordingly.

Allowance to excluded districts

§8 Whenever any school district shall have been excluded from participation in any apportionment made by the Superintendent, or by the school commissioners, by reason of its having omitted to make any report required by law, or to comply with any other provision of law, or with any rule or regulation made by the Superintendent under the authority of law, and it shall be shown to the Superintendent that such omission was accidental or excusable, he may, upon the application of such district, make to it an equitable allowance; and if the apportionment was made by himself, cause it to be paid out of the contingent fund; and, if the apportionment was made by the commissioners, direct them to apportion such allowance to it, at their next annual apportionment, in addition to any apportionment to which it may then be entitled. And the Superintendent may, in his discretion, upon the recommendation of the school commissioner having jurisdiction over the district in default, direct that the money so equitably apportioned shall be paid in satisfaction of teacher's wages earned by a teacher not qualified in accordance with the provisions of the law as herein-after set forth.

May direct payment of quota when teacher not qualified

§9 If money to which it is not entitled, or a larger sum than it is entitled to, shall be apportioned to any county, or part of a

Reclamation of moneys appropriated

county, or school district, and it shall not have been so distributed or apportioned among the districts, or expended, as to make it impracticable so to do, the Superintendent may reclaim such money or excess, by directing any officer in whose hands it may be to pay it into the state treasury, to the credit of the free school fund; and the State Treasurer's receipt, countersigned by the Superintendent, shall be his only voucher; but if it be impracticable so to reclaim such money or excess, then the Superintendent shall deduct it from the portions of such county, part of a county or district in his next annual apportionment, and distribute the sum thus deducted equitably among the counties and parts of counties, or among the school districts in the state entitled to participate in such apportionment, according to the basis of apportionment in which such excess occurred.

§ 10 If a less sum than it is entitled to shall have been apportioned by the Superintendent to any county, part of a county or school district, the Superintendent may make a supplementary apportionment to it, of such a sum as shall make up the deficiency, and the same shall be paid out of the contingent fund, if sufficient, and if not, then the Superintendent shall make up such deficiency in his next annual apportionment.

§ 11 As soon as possible after the making of any annual or general apportionment, the Superintendent shall certify it to the county clerk, county treasurer, school commissioners and city treasurer or chamberlain, in every county in the state; and if it be a supplemental apportionment, then to the county clerk, county treasurer and school commissioners of the county in which the schoolhouse of the district concerned is situate.

§ 12 The moneys so annually apportioned by the Superintendent, shall be payable between the 1st day of April and the first day of April and 15th May next after the apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable.

ARTICLE 2

Of the apportionment of the state school moneys, and of other school moneys by the school commissioners, and their payment to the supervisors

§ 13 The school commissioner, or commissioners of each county, shall proceed, at the county seat, on the third Tuesday of March,

¹As amended by section 1, chapter 166, laws of 1904.

TITLE 2

Library
moneysState moneys
to be set apartReturn of
unexpended
moneysReturns from
treasurer of
fines and
penaltiesHow appor-
tionedLibrary
moneysBasis of appor-
tionmentApportion-
ment accord-
ing to school
attendance

in each year, to ascertain, apportion and divide the state and other school moneys as follows:

1 They shall set apart any library moneys apportioned by the Superintendent.

2 From the other moneys apportioned to the county, they shall set apart and credit to each school district the amount apportioned to it by the State Superintendent, and to every district which did not participate in the apportionment of the previous year, and which the Superintendent shall have excused, such equitable sum as he shall have allowed to it.¹

3 They shall procure from the treasurer of the county a transcript of the returns of the supervisors hereinafter required, showing the unexpended moneys in their hands applicable to the payment of teachers' wages and to library purposes, and shall add the whole sum of such moneys to the balance of the state moneys to be apportioned for teachers' wages. The amounts in each supervisor's hands shall be charged as a partial payment of the sums apportioned to the town for library moneys and teachers' wages, respectively.

4 They shall procure from the county treasurer a full list and statement of all payments to him of moneys for or on account of fines and penalties, or accruing from any other source, for the benefit of schools and of the town or towns, district or districts for whose benefit the same were received. Such of said moneys as belong to a particular district, they shall set apart and credit to it; and such as belong to the schools of a town, they shall set apart and credit to the schools in that town, and shall apportion them together with such as belong to the schools of the county as hereinafter provided for the payment of teachers' wages.

5 They shall apportion library moneys to the school districts, and parts of school districts, joint with parts in any city or in any adjoining county, which shall be entitled to participate therein, as follows: To each of said districts an amount equal to that which shall have been raised in said district for library purposes, either by tax or otherwise, and if the aggregate amount so raised in the districts within the county shall exceed the sum apportioned to the county, the said districts, respectively, shall be entitled to participate in such apportionment pro rata to the total amount apportioned to the county.

6 They shall apportion all of such remaining unapportioned moneys in the like manner and upon the same basis among such

¹As amended by section 2, chapter 264, laws of 1896.

school districts and parts of districts in proportion to the aggregate number of days of attendance of the pupils resident therein, between the ages of 5 and 18 years, at their respective schools during the last preceding school year, and also such children residing therein over 4 years of age who shall have attended any free kindergarten school legally established. The aggregate number of days in attendance of the pupils is to be ascertained from the records thereof, kept by the teachers as hereinafter prescribed, by adding together the whole number of days' attendance of each and every pupil in the district, or part of a district.

7 They shall then set apart the money so set apart and apportioned to each district, the schoolhouse of which is therein; and to each part of a joint district therein the schoolhouse of which is located in a city or in a town in an adjacent county.

8 They shall sign, in duplicate, a certificate, showing the amounts apportioned and set apart to each school district and part of a district, and the towns in which they are situated, and shall designate therein the source from which each item was derived; and shall forthwith deliver one of said duplicates to the treasurer of the county and transmit the other to the Superintendent of Public Instruction.

9 They shall certify to the supervisor of each town the amount of school moneys so apportioned to his town, and the portions thereof to be paid by him for library purposes and for teachers' wages, to each such distinct district and part of a district.

§14 If, in their apportionment, through any error of the commissioners, any district shall have apportioned to it a larger or a less share of the moneys than it is entitled to receive, the commissioners may, in their next annual apportionment, with the approval of the Superintendent, correct the error by equitably adding to or deducting from the share of such district.

§15 No district or part of a district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees for the preceding school year shall show that a common school was supported in the district and taught by a qualified teacher for such a term of time as would, under section 6 of this title, entitle it to a distributive share under the apportionment of the Superintendent.

§16 On receiving the certificate of the commissioners, each supervisor shall forthwith make a copy thereof for his own use, and deposit the original in the office of the clerk of his town; and the moneys so apportioned to his town shall be paid to him immediately.

TITLE 2

Supervisor's bond

mediately on his compliance with the requirements of the following section, but not before.

§17 Immediately on receiving the commissioners' certificate of apportionment, the county treasurer shall require of each supervisor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessors, conditioned for the faithful disbursement, safekeeping and accounting for such moneys, and of all other school moneys that may come into his hands from any other source. If the condition shall be broken the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first given security as aforesaid. Whenever the office of a supervisor shall become vacant, by reason of the expiration of his term of service or otherwise, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement and safe-keeping of and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned.

Refusal to give security

Moneys, how disbursed thereupon

§18 The refusal of a supervisor to give such security shall be a misdemeanor, and any fine imposed on his conviction thereof shall be for the benefit of the common schools of the town. Upon such refusal, the moneys so set apart and apportioned to the town shall be paid to and disbursed by some other officer or person to be designated by the county judge, under such regulations and with such safeguards as he may prescribe, and the reasonable compensation of such officer or person, to be adjusted by the board of supervisors, shall be a town charge.

ARTICLE 3

Of trusts for the benefit of common schools, and of town school funds, fines, penalties and other moneys held or given for their benefit.

§19 Real and personal estate may be granted, conveyed, devised, bequeathed and given in trust and in perpetuity or other-

Estates in trust for common schools

wise, to the state, or to the Superintendent of Public Instruction, for the support or benefit of the common schools, within the state, or within any part or portion of it, or of any particular common school or schools within it; and to any county, or the school commissioner or commissioners of any county, or to any city or any board of officers thereof, or to any school commissioner district or its commissioner, or to any town, or supervisor of a town, or to any school district or its trustee or trustees, for the support and benefit of common schools within such county, city, school commissioner district, town or school district, or within any part or portion thereof respectively, or for the support and benefit of any particular common school or schools therein. No such grant, conveyance, devise or bequest shall be held void for the want of a named or competent trustee or donee, but where ^{Trusts not invalid in} certain cases no trustee or donee, or an incompetent one is named, the title and trust shall vest in the people of the state, subject to its acceptance by the Legislature, but such acceptance shall be presumed.

§ 20 The Legislature may control and regulate the execution of ^{Execution of trusts} all such trusts; and the Superintendent of Public Instruction shall supervise and advise the trustees, and hold them to a regular accounting for the trust property and its income and interest at such times, in such forms, and with such authentications, as he shall, from time to time, prescribe.

§ 21 The common council of every city, the board of supervisors of every county, the trustees of every village, the supervisor of every town, the trustee or trustees of every school district, and every other officer or person who shall be thereto required by the Superintendent of Public Instruction, shall report to him whether any, and if any, what trusts are held by them respectively, or by any other body, officer or person to their information or belief for school purposes, and shall transmit, therewith, an authenticated copy of every will, conveyance, instrument or paper embodying or creating the trust; and shall, in like manner, forthwith report to him the creation and terms of every such trust subsequently created.

§ 22 Every supervisor of a town shall report to the Superintendent whether there be, within the town, any gospel or school lot, and, if any, shall describe the same, and state to what use, if any, it is put by the town; and whether it be leased, and, if so, to whom, for what term and upon what rents; and whether the town holds or is entitled to any lands, moneys or securities arising from any sale of such gospel or school lot, and the investment

^{Reports as to gospel and school lots by supervisor}

TITLE 2

of the proceeds thereof, or of the rents and income of such lots and investments, and shall report a full statement and account of such lands, moneys and securities.

Reports as
to moneys in
hands of over-
seers of poor

§ 23 Every supervisor of a town shall in like manner report to the Superintendent whether the town has a common school fund originated under the "Act relative to moneys in the hands of overseers of the poor," passed April 27, 1829, and, if it have, the full particulars thereof, and of its investment, income and application, in such form as the Superintendent may prescribe.

Superintend-
ent to report
to Legislature

§ 24 In respect to the property and funds in the last two sections mentioned, the Superintendent shall include in his annual report a statement and account thereof. And, to these ends, he is authorized, at any time and from time to time, to require from the supervisor, board of town auditors, or any officer of a town, a report as to any fact, or any information or account, he may deem necessary or desirable.

Fines and
penalties

§ 25 Whenever, by any statute, a penalty or fine is imposed for the benefit of common schools, and not expressly of the common schools of a town or school district, it shall be taken to be for the benefit of the common schools of the county within which the conviction is had; and the fine or penalty, when paid or collected, shall be paid forthwith into the county treasury, and the treasurer shall credit the same as school moneys of the county, unless the county comprise a city having a special school act, in which case he shall report it to the Superintendent, who shall apportion it upon the basis of population by the last census, between the city and the residue of the county, and the portion belonging to the city shall be paid into its treasury.

Apportion-
ment thereof

§ 26 Every district attorney shall report, annually, to the board of supervisors, all such fines and penalties imposed in any prosecution conducted by him during the previous year; and all moneys collected or received by him or by the sheriff, or any other officer, for or on account of such fines or penalties, shall be immediately paid into the county treasury, and the receipt of the county treasurer shall be a sufficient and the only voucher for such money.

Reports of
district attor-
neys, as to
fines, etc.

Payment of
collections to
treasurer

§ 27 Whenever a fine or penalty is inflicted or imposed for the benefit of the common schools of a town or school district, the magistrate, constable or other officer collecting or receiving the same shall forthwith pay the same to the county treasurer of the county in which the schoolhouse is located, who shall credit the same to the town or district for whose benefit it is collected. If the fine or penalty be inflicted or imposed for the benefit of the

Fines and
penalties, to
whom paid

common schools of a city having a special school act, or of any part or district of a city, it shall be paid into the city treasury.

§28 Whenever, by this or any other act, a penalty or fine is imposed upon any school district officer for a violation or omission of official duty, or upon any person for any act or omission within a school district, or touching property or the peace and good order of the district, and such penalty or fine is declared to be for, or for the use or benefit of the common schools of the town or of the county, and such school district lies in two or more towns or counties, the town or county intended by the act shall be taken to be the one in which the schoolhouse, or the schoolhouse longest owned or held by the district, is at the time of such violation, act or omission.

TITLE III

Supervisors; disbursement of school moneys by, and some of their special powers and duties under this act

§1 The several supervisors continue vested with the powers and charged with the duties formerly vested in and charged upon the trustees of the gospel and school lots, and transferred to and imposed upon town superintendents of common schools by chapter 186 of the laws of 1846.

§2 The several supervisors continue vested with the powers and charged with the duties conferred and imposed upon the commissioners of common schools by the act of 1829 (chapter 287), entitled "An act relative to moneys in the hands of overseers of the poor."

§3 On the first Tuesday of March in each year, each supervisor shall make a return in writing to the county treasurer for the use of the school commissioners, showing the amounts of school moneys in his hands not paid on the orders of trustees for teachers' wages, nor drawn by them for library purposes, and the districts to which they stand accredited (and if no such money remain in his hands, he shall report the fact); and thereafter he shall not pay out any of said moneys until he shall have received the certificate of the next apportionment; and the moneys so returned by him shall be reapportioned as hereinbefore directed.

§4 It is the duty of every supervisor:

Duties

¹To disburse the school moneys in his hands applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee or a majority of the trustees, in favor of qualified

¹As amended by section 1, chapter 177, laws of 1896.

TITLE 3

teachers. But whenever the collector in any school district shall have given bonds for the due and faithful performance of the duties of his office as disbursing agent, as required by section 8o of title 7 of this act, or whenever any school district shall elect a treasurer as hereinafter provided, the said supervisor shall, upon the receipt by him of a copy of the bond executed by said collector or treasurer as hereinafter required, certified by the trustee or trustees, pay over to such collector or treasurer, all moneys in his hands applicable to the payment of teachers' wages in such district, and the said collector or treasurer shall disburse such moneys so received by him upon such orders as are specified herein to the teachers entitled to the same.

Payment over
of same to
collector or
treasurer

2 To disburse the library moneys upon, and only upon the written orders of a sole trustee, or of a majority of the trustees.

Payment over
of same to
union school
district

3 In the case of a union free school district, to pay over all the school money apportioned thereto, whether for the payment of teachers' wages, or as library moneys, to the treasurer of such district, upon the order of its board of education.

Accounts of
receipts and
disbursements

4 To keep a just and true account of all the school moneys received and disbursed by him during each year, and to lay the same, with proper vouchers, before the board of town auditors at each annual meeting thereof.

Blank book
and entries
therein

5 To have a bound blank book, the cost of which shall be a town charge, and to enter therein all his receipts and disbursements of school moneys, specifying from whom and for what purposes they were received, and to whom and for what purposes they were paid out; and to deliver the book to his successor in office.

Filing of
accounts

6 Within 15 days after the termination of his office, to make out a just and true account of all school moneys theretofore received by him and of all disbursements thereof, and to deliver the same to the town clerk, to be filed and recorded, and to notify his successor in office of such rendition and filing.

Duties toward
predecessor

7 So soon as the bond to the county treasurer, required by section 17 of title 2 of this act, shall have been given by him and approved by the treasurer, to deliver to his predecessor the treasurer's certificate of these facts, to procure from the town clerk a copy of his predecessor's account, and to demand and receive from him any and all school moneys remaining in his hands.

Payment over
of moneys to
successor

8 Upon receiving such a certificate from his successor, and not before, to pay to him all school moneys remaining in his hands, and to forthwith file the certificate in the town clerk's office.

Recovery of
penalties and
forfeitures

9 By his name of office, when the duty is not elsewhere imposed by law, to sue for and recover penalties and forfeitures imposed for

violations of this act, and for any default or omission of any town officer or school district board or officer under this act; and after deducting his costs and expenses to report the balances to the school commissioner.

10 To act, when thereto legally required, in the erection or alteration of a school district, as in the sixth title of this act provided, and to perform any other duty which may be devolved upon him by this act, or any other act relating to common schools.

Erection or
alteration of
school districts

TITLE IV

Town clerks; their duties under this act

§1 It shall be the duty of the town clerk of each town:

Duties

1 Carefully to keep all books, maps, papers and records of his office touching common schools, and forthwith to report to the supervisor any loss or injury to the same.

Preservation
of records

2 To receive from the supervisors the certificates of apportionment of school moneys to the town, and to record them in a book to be kept for that purpose.

Record of
apportionment

3 Forthwith to notify the trustees of the several school districts of the filing of each such certificate.

Notice to
trustees

4 To see that the trustees of the school districts make and deposit with him their annual reports within the time prescribed by law, and to deliver them to the school commissioner on demand; and to furnish the school commissioner of the school commissioner district in which his town is situated the names and postoffice addresses of the school district officers reported to him by the district clerks.

Obtaining
reports

Furnishing
names of dis-
trict officers
to commis-
sioner

5 To distribute to the trustees of the school districts all books, blanks and circulars which shall be delivered or forwarded to him by the State Superintendent or school commissioner for that purpose.

Distribution
of blanks etc.

6 To receive from the supervisor, and record in a book kept for that purpose, the annual account of the receipts and disbursements of school moneys required to be submitted to the town auditors, together with the action of the town auditors thereon, and to send a copy of the account and of the action thereon, by mail, to the Superintendent of Public Instruction, whenever required by him, and to file and preserve the vouchers accompanying the account.

Record of
annual
accounts

Transmission
of same to
Superintendent

7 To receive and to record, in the same book, the supervisor's final account of the school moneys received and disbursed by him, and deliver a copy thereof to such supervisor's successor in office.

Final accounts

TITLE 5

Filing of
treasurer's
certificates

8 To receive from the outgoing supervisor, and file and record in the same book, the county treasurer's certificate, that his successor's bond has been given and approved.

9 To receive, file and record the descriptions of the school districts, and all papers and proceedings delivered to him by the school commissioner pursuant to the provisions of this act.

Records of
districts

10 To act, when thereto legally required, in the erection or alteration of a school district, as in title 6 of this act provided.

Erection, etc.,
of districts

11 To receive and preserve the books, papers and records of any dissolved school district, which shall be ordered, as hereinafter provided, to be deposited in his office.

General
duties

12 To perform any other duty which may be devolved upon him by this act, or by any other act touching common schools.

Expenses and
disbursements

§2 The necessary expenses and disbursements of the town clerk in the performance of his said duties, are a town charge, and shall be audited and paid as such.

TITLE V**School commissioners; their election, powers and duties**

School com-
missioner

§1 The office of school commissioner is continued, and the present incumbents shall continue in office in their respective districts, for the residue of the terms for which they were elected or appointed.

School com-
missioner
districts

§2 The school commissioner districts duly and legally organized, and as the same existed January 1, 1894, shall continue to be held and recognized as the school commissioner districts of the state until the same shall be altered or modified by the Legislature. No city shall be included in, or form a part of any school commissioner district. In any school commissioner district that contains more than 100 school districts, the board of supervisors may divide such commissioner district, within the county, and erect therefrom an additional school commissioner district; and when such district shall have been formed a school commissioner for such district shall be elected in the manner provided by law for the election of school commissioners.

Division of
districts

Election of
new com-
missioner

Election of
school com-
missioners

§3 A school commissioner for each school commissioner district shall be elected by the electors thereof, at the general election in the year 1896, and triennially thereafter. Any person of full age, a citizen of the United States, a resident of the state, and of the county in which a school commissioner district is situated, shall be eligible to the office of school commissioner. No person shall be deemed ineligible to such office by reason of sex who has the

other qualifications as herein provided. It shall be the duty of county clerks, and they are hereby required, as soon as they shall have official notice of the election or appointment of a school commissioner, for any district in their county, to forward to the Superintendent of Public Instruction a duplicate certificate of such election or appointment, attested by their signature and the seal of the county.

§4 The term of office of such commissioner shall commence on Term of office the first day of January next after his election, and shall be for three years, and until his or her successor qualifies. Every person elected to the office, or appointed to fill a vacancy, must take the Official oath oath of office prescribed by the Constitution, before the county clerk or before any officer authorized to take, within this state, the acknowledgement of the execution of a deed of real property, and file it with the county clerk; and if he or she omit so to do, the office shall be deemed vacant.

§5 A commissioner may, at any time, vacate his or her office Resignations by filing his or her resignation with the county clerk. His or her removal from the county, or the acceptance of the office of Vacating supervisor, town clerk or trustee of a school district, shall vacate office his or her office.

§6 The county clerk, so soon as he has official or other notice Vacancies in office of the existence of a vacancy in the office of school commissioner, shall give notice thereof to the county judge, or, if that office be vacant, to the Superintendent of Public Instruction. In case of a vacancy the county judge, or, if there be no county judge, then the Superintendent shall appoint a commissioner, who shall hold his office until the first of January succeeding the next general election, and until his successor, who shall be chosen at such general election, shall have qualified. A person elected to fill a vacancy shall hold the office only for the unexpired term.

§7 Every school commissioner shall receive an annual salary Annual salary of \$1000, payable quarterly out of the free school fund appropriated for this purpose.

§8 Whenever a majority of the supervisors from all the towns Increase of composing a school commissioner district shall adopt a resolution to increase the salary of their school commissioner beyond the \$1000 payable to him from the free school fund, it shall be the duty of the board of supervisors of the county to give effect to such resolution, and they shall assess the increase stated therein upon the towns composing such commissioner district, ratably, according to the corrected valuations of the real and personal estate of such towns.

TITLE 5
Expenses of
commissioner

Superintend-
ent may with-
hold salary

Commissioner
to serve for
another

Not to act as
agent for
author, pub-
lisher etc.

Penalty

Duties

Defining dis-
trict bound-
aries

Expenses
thereof

§9 The board of supervisors shall annually audit and allow to each commissioner within the county a fixed sum of at least \$200 for his expenses, and shall assess and levy that amount annually, by tax upon the towns composing his district.

§10 Whenever the Superintendent of Public Instruction is satisfied that a school commissioner has persistently neglected to perform his duties, he may withhold his order for the payment of the whole or any part of such commissioner's salary as it shall become due, and the salary so withheld shall be forfeited; but the Superintendent may remit the forfeiture in whole or in part, upon the commissioner disproving or excusing such neglect.

§11 A commissioner, upon the written request of the commissioner of an adjoining district, may perform any of his duties for him, and upon requirement of the State Superintendent of Public Instruction must perform the same.

§12 No school commissioner shall be directly or indirectly engaged in the business of a publisher of school books, maps or charts, or of a bookseller, or in the manufacture or sale of school apparatus or furniture; nor shall he act as agent for an author, publisher, or bookseller, or dealer in school books, maps or charts, or manufacturer of or dealer in any school furniture or apparatus; nor directly or indirectly receive any gift, emolument, reward or promise of reward, for his influence in recommending or procuring the use of any book, map or chart, or school apparatus, or furniture of any kind whatever, in any common or union free school, or the purchase of any books for a school district library. Any violation of this provision, or any part thereof, shall be a misdemeanor; and any such violation shall subject such commissioner to removal from his office by the Superintendent of Public Instruction.

§13 Every commissioner shall have power, and it shall be his duty:

1 From time to time to inquire into and ascertain whether the boundaries of the school districts within his district are definitely and plainly described in the records of the proper town clerks; and in case the record of the boundaries of any school district shall be found defective or indefinite, or if the same shall be in dispute, then to cause the same to be amended, or an amended record of the boundaries to be made. All necessary expenses incurred in establishing such amended records shall be a charge upon the district or districts affected, to be audited and allowed by the trustee or trustees thereof, upon the certificate of the school commissioner.

2 To visit and examine all the schools and school districts <sup>Visitation
and examina-</sup>
within his district as often in each year as shall be practicable; ^{tion of schools}
to inquire into all matters relating to the management, the course
of study and mode of instruction, and the textbooks and discipline
of such schools, and the condition of the schoolhouses, sites, out-
buildings and appendages, and of the district generally; to exam- <sup>Libraries,
schoolhouses,
etc.</sup>
ine the school libraries; to advise with and counsel the trustees
and other officers of the district in relation to their duties, and
particularly in respect to the construction, heating, ventilating
and lighting of schoolhouses, and the improving and adorning
of the school grounds connected therewith; and to recommend <sup>Recommendation
as to
studies</sup>
to the trustees and teachers the proper studies, discipline and
management of the schools, and the course of instruction to be
pursued.

3 Upon such examination, to direct the trustees to make any <sup>May direct
trustees to
make repairs</sup>
alterations or repairs on the schoolhouse or outbuildings which
shall, in his opinion, be necessary for the health or comfort of
the pupils, but the expense of making such alterations or repairs
shall, in no case, exceed the sum of \$200, unless an additional
sum shall be voted by the district. He may also direct the trustee
to make any alterations or repairs to school furniture, or when <sup>Alteration
or repairs
to school
furniture</sup>
in his opinion any furniture is unfit for use and not worth repair-
ing, or when sufficient furniture is not provided, he may direct
that new furniture shall be provided as he may deem necessary,
provided that the expense of such alterations, repairs or addi-
tions to furniture shall not, in any one year exceed the sum of
\$100. He may also direct the trustees to abate any nuisance <sup>Abatement
of nuisances</sup>
in or upon the premises, provided the same can be done at an
expense not exceeding \$25.

¹4 By an order under his hand, reciting the reason or reasons, <sup>Condemnation
of school-
house</sup>
to condemn a schoolhouse, if he deems it wholly unfit for use and house
not worth repairing, and to deliver the order to the trustees, or
one of them, and transmit a copy to the Superintendent of Public
Instruction. Such order, if no time for its taking effect is stated
in it, shall take effect immediately. He shall also state what <sup>Estimates for
erection of
schoolhouses</sup>
sum, will, in his opinion, be necessary to erect a schoolhouse cap-
able of accommodating the children of the district. Immediately
upon the receipt of said order the trustee or trustees of such dis- <sup>Special meet-
ing for con-
sidering
question</sup>
trict shall call a special meeting of the inhabitants of said dis-
trict for the purpose of considering the question of building a
schoolhouse therein. Such meeting shall have the power to deter-

¹As amended by section 1, chapter 512, laws of 1897.

TITLE 5

mine the size of said schoolhouse, the material to be used in its erection, and to vote a tax to build the same. But such meeting shall have no power to reduce the estimate made by the commissioner aforesaid by more than 25 per centum of such estimate. And where no tax for building such house shall have been voted by such district within 30 days from the time of holding the first meeting to consider the question, then it shall be the duty of the trustee or trustees of such district to contract for the building of a schoolhouse capable of accommodating the children of the district, and to levy a tax to pay for the same, which tax shall not exceed the sum estimated as necessary by the commissioner aforesaid, and which shall not be less than such estimated sum by more than 25 per centum thereof. But such estimated sum may be increased by a vote of the inhabitants at any school meeting subsequently called and held according to law.

5 To examine, under such rules and regulations as have been or may be prescribed by the Superintendent of Public Instruction persons proposing to teach common schools within his district, and not possessing the superintendent's certificate of qualification or a diploma of a state normal school, and to inquire into their moral fitness and capacity, and, if he find them qualified, to grant them certificates of qualification, in the forms which are or may be prescribed by the Superintendent. No certificate shall be granted to any person to teach in the public schools of this state, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. No certificate shall be granted to any person under the age of 18 years.

6 To examine any charge affecting the moral character of any teacher within his district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he find the charge sustained, to annul the teacher's certificate, by whomsoever granted, and to declare him unfit to teach; and if the teacher holds a certificate of the Superintendent, or a diploma of a state normal school, to notify the Superintendent forthwith of such annulment and declaration.

7 And, generally, to use his utmost influence and most strenuous exertions to promote sound education, elevate the character and qualifications of teachers, improve the means of instruction and advance the interests of the schools under his supervision.

§ 14 Every school commissioner shall have power to take affidavits and administer oaths in all matters pertaining to common

Erection of
building upon
neglect to
vote tax

Tax for pay-
ment thereof

Increase of
estimate
by vote

Examination
and licensing
of teachers

Restrictions
as to granting
certificates

Examination
of charges
against
teachers

Annulment
of certificates

General duties

Affidavits
and oaths

schools, but without charge or fee; and, under the direction of the Superintendent of Public Instruction, to take and report to him the testimony in any case of appeal. When so directed by the Superintendent, said commissioner shall have power to issue subpoenas to compel the attendance of witnesses. Service of said subpoenas shall be made a reasonable time before the time therein named for the hearing, by exhibiting the same to the person so served, with the signature of the commissioner attached, and by leaving with such person a copy thereof. The person so served shall be entitled to receive from the person or officer at whose instance he is subpoenaed, at the time of service, the same fees as provided by law for witnesses in courts of records. Disobedience of such subpoena shall subject the delinquent to a penalty of \$25, which shall, unless sufficient excuse is shown, upon the certificate of the commissioner showing such facts, be imposed by the county judge of the county in which such commissioner resides, and shall be paid forthwith to the county treasurer for the benefit of the poor of the county, or, in case such penalty shall not be paid, such delinquent shall stand committed to the county jail of the county for the period of 25 days, unless sooner paid.

§15 The commissioners shall be subject to such rules and regulations as the Superintendent of Public Instruction shall, from time to time, prescribe, and appeals from their acts and decisions may be made to him, as hereinafter provided. They shall, whenever required by the Superintendent, report to him as to any particular matter or act, and shall severally make to him annually, to the first day in August in each year, a report in such form and containing all such particulars as he shall prescribe and call for; and, for that purpose, shall procure the reports of the trustees of the school districts from the town clerk's offices, and, after abstracting the necessary contents thereof, shall arrange and indorse them properly and deposit them, with a copy of his own abstract thereof, in the office of the county clerk, and the clerk shall safely keep them.

§16 It shall be the duty of all trustees and boards of education for school districts under the supervision of school commissioners, to grant the use of any school building under their charge for all examinations appointed by the Superintendent of Public Instruction, upon the written request of the commissioner having jurisdiction over the same.

Issuing of subpoenas,
Penalty for disobedience of subpoenas

Rules and regulations

Reports to Superintendent

Annual report from returns of school trustees

Use of school building for examinations

TITLE 6

TITLE VI

School districts; formation, alteration and dissolution thereof

Duties as to
school districts

§1 It shall be the duty of each school commissioner, in respect to the territory within his district:

¹ To divide it, so far as practicable, into a convenient number of school districts, and alter the same as herein provided.

Joint districts

¹ ² In conjunction with the commissioner or commissioners of an adjoining school commissioner district or districts, to set off joint districts, composed of adjoining parts of their respective districts, and separately to institute proceedings to alter the same in respect to the territory within his own district.

Descriptions
and numbers
of districts

³ To describe and number the school districts, and joint districts, and to deliver, in writing, to the town clerk, the description and number of each district lying in whole or in part in his town, together with all notices, consents and proceedings relating to the formation or alteration thereof, immediately after such formation or alteration. Every joint district shall bear the same number in every school commissioner district of whose territory it is in part composed.

Alteration of
districts upon
consent

§2 With the written consent of the trustees of all the districts to be affected thereby, he may, by order, alter any school district within his jurisdiction, and fix, by said order, a day when the alteration shall take effect.

Ordering of
alterations
upon refusal
of consent

§3 If the trustees of any such district refuse to consent, he may make and file with the town clerk his order making the alteration, but reciting the refusal, and directing that the order shall not take effect, as to the dissenting district or districts, until a day therein to be named, and not less than three months after the date of such order.

Notice of
hearing ob-
jections to
alterations

§4 Within 10 days after making and filing such order he shall give at least a week's notice in writing to one or more of the assenting and dissenting trustees of any district or districts to be affected by the proposed alterations, that at a specified time, and at a named place within the town in which either of the districts to be affected lies he will hear the objections to the alteration. The trustees of any district to be affected by such order may request the supervisor and town clerk of the town or towns, within which such district or districts shall wholly or partly lie, to be associated with the commissioner. At the time and place mentioned in the notice the commissioner, or commissioners, with the super-

¹As amended by section 1, chapter 223, laws of 1895

²As amended by section 4, chapter 264, laws of 1896.

Supervisor
and clerk
associated
with com-
missionerHearing and
decision
thereon

visors and town clerks, if they shall attend and act, shall hear and decide the matter; and the decision shall be final unless duly appealed from. Such decision must either affirm or vacate the order of the commissioner, and must be filed with and recorded by the town clerk of the town or towns in which the district or districts to be affected shall lie, and a tie vote shall be regarded a decision for the purposes of an appeal on the merits. Upon such appeal the Superintendent of Public Instruction may affirm, modify or vacate the order of the commissioner or the action of the local board.

§5 The supervisor and town clerk shall be entitled each, to fees of supervisor and \$1.50 a day, for each day's service in any such matter, to be town clerk levied and paid as a charge upon their town.

¹ §6 Any school commissioner may also, with the written consent of the trustees of all the districts to be affected thereby, dissolve one or more school districts adjoining any union free school district other than one whose limits correspond with any city or incorporated village, and annex the territory of such districts so dissolved to such union free school district. He may alter the boundaries of any union free school district whose limits do not correspond with those of any city or incorporated village, in like manner as alterations of common school districts may be made as herein provided; but no school district shall be divided, which has any bonded indebtedness outstanding.

§7 Whenever it may become necessary or convenient to form a joint district, the commissioners of such districts, or a majority of them, may form such district; and the commissioners within whose districts any such school district lies, or a majority of them, may alter or dissolve it.

§8 If a school commissioner, by notice in writing, shall require the attendance of the other commissioner or commissioners, at a joint meeting for the purpose of altering or dissolving such a joint district, and a majority of all the commissioners shall refuse or neglect to attend, the commissioner or commissioners attending, or any one of them, may call a special meeting of such school district for the purpose of deciding whether such district shall be dissolved; and its decision of that question shall be as valid as though made by the commissioners.

§9 Any school commissioner may dissolve one or more districts and may from such territory form a new district, he may also unite

Filing of decision

Dissolution of districts

Alteration of boundaries of union free school districts

Alteration or dissolution

Special meeting for altering or dissolving joint districts

Consolidation of districts

¹As amended by section 2, chapter 512, laws of 1897.
²As amended by section 4, chapter 264, laws of 1896.

TITLE 6

a portion of such territory to any existing adjoining district or districts. When two or more districts shall be consolidated into one, the new district shall succeed to all the rights of property possessed by the annulled districts.

Sale of property of dissolved districts
§ 10 When a district is parted into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town, within which its schoolhouse is situate, at public auction, after at least five days' notice, by notice posted in three or more public places of the town in which the schoolhouse is situated, one of which shall be posted in the district so dissolved. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment roll or rolls of the town or towns, and pay it over accordingly.

Application of proceeds
§ 11 The supervisor of the town within which the schoolhouse of the dissolved district was situated may demand, sue for, and collect, in his name of office, any money of the district outstanding in the hands of any of its former officers, or any other person; and, after deducting his costs and expenses, shall report the balance to the school commissioner who shall apportion the same equitably among the districts to which the parts of the dissolved districts were annexed, to be by them applied as their district meetings shall determine.

Collections of outstanding moneys
Dissolved districts to exist in law for settlement of affairs
§ 12 Though a district be dissolved, it shall continue to exist in law for the purpose of providing for and paying all its just debts; and to that end the trustees and other officers shall continue in office, and the inhabitants may hold special meetings, elect officers to supply vacancies, and vote taxes; and all other acts necessary to raise money and pay such debts shall be done by the inhabitants and officers of the district.

Apportionment and application of same
Deposit of records etc. with town clerk
Penalty for refusal to obey orders
§ 13 The commissioner, or a majority of the commissioners in whose district or districts a dissolved school district was situated, shall by his or their order in writing, delivered to the clerk of the district, or to any person in whose possession the books, papers and records of the district, or any of them, may be, direct such clerk or other person to deposit the same in the clerk's office in a town in the order named. Such clerk or other person, by neglect or refusal to obey the order, shall forfeit \$50, to be applied to the benefit of the common schools of said town. The commissioner or commissioners shall file a duplicate of the order with such clerk.

^{Extension of commissioners' powers}
¹§14 All the rights, powers and duties conferred upon school commissioners by titles 5 and 6 of this act, including the sole authority to examine and license, under the rules prescribed by the Superintendent of Public Instruction, all persons proposing to teach common schools, not possessing the qualifications mentioned in subdivision 5 of section 13 of title 5, shall extend to all districts organized under special acts, and all parts of such special acts inconsistent therewith are hereby repealed.

TITLE VII

Meetings in common school districts; the election of school district officers and their powers and duties

ARTICLE I

Of common school district meetings, who are voters, and their powers

§1 Whenever any school district shall be formed, the commissioner or any one or more of the commissioners, within whose district or districts it may be, shall prepare a notice describing such district, and appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district. ^{New district} ^{Notice of first meeting}

§2 It shall be the duty of such inhabitant to notify every other inhabitant of the district qualified to vote at the meeting, by reading the notice in his hearing, or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting. ^{Service of notice}

§3 In case such meeting shall not be held, and in the opinion of the commissioner it shall be necessary to hold such meeting, before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the district, who shall serve it as hereinbefore provided. ^{May give notice of meeting before time fixed}

§4 When the clerk and all the trustees of a school district shall have removed from the district, or their office shall be vacant, so that a special meeting can not be called, as hereinafter provided, the commissioner may in like manner give notice of, and call a special district meeting. ^{Special district meeting, when commissioner may call}

§5 Every taxable inhabitant, to whom a notice of any district meeting shall be delivered for service, pursuant to any provisions of this article, who shall refuse or neglect to serve the same, as hereinbefore prescribed, shall forfeit \$5 for the benefit of the district. ^{Penalty for refusal to serve notice}

¹Added by section 3, chapter 512, laws of 1897.

TITLE 7

Special district meetings

§6 A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purposes for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or, if the office be vacant, or he be sick, or absent, or shall refuse to act, a trustee or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least five days before the day of the meeting, in the manner prescribed in the second section of this title. But the inhabitants of any district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

Annual meeting may prescribe mode of giving notice

§7 The proceedings of no district meeting, annual or special, shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent.

Proceedings, when illegal

Annual school district meeting

§8 The annual meeting of each school district shall be held on the first Tuesday of August in each year, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the schoolhouse at 7.30 o'clock in the evening. If a district possesses more than one schoolhouse, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no schoolhouse, or if the schoolhouse shall be no longer accessible, then the annual meeting shall be held at such place as the trustees, or, if there be no trustee, the clerk, shall designate in the notice.

Proceedings, when annual meeting not held

§9 Whenever the time for holding the annual meeting in school districts shall pass without such meeting being held in any district, a special meeting shall thereafter be called by the trustees or by the clerk of such district for the purpose of transacting the business of the annual meeting; and if no such meeting be called by the trustees or the clerk within 20 days after such time shall have passed, the school commissioner of the commissioner district in which said school district is situated, or the Superintendent of Public Instruction may order any inhabitant of such district to give notice of such meeting in the manner provided in the second section of this title, and the officers of the district shall make to such meeting the reports required to be made at the annual meeting, subject to the same penalty in the case of neglect; and the officers elected at such meeting shall hold their respective offices only until

the next annual meeting and until their successors are elected and shall have qualified as in this act provided.

§ 10 Whenever any district meeting shall be duly called, it shall be the duty of the inhabitants qualified to vote thereat, to assemble at the time and place fixed for the meeting.

§ 11 Every person of full age residing in any school district and who has resided therein for a period of 30 days next preceding any annual or special election held therein, and a citizen of the United States, who owns or hires, or is in the possession under a contract of purchase, of real property in such school district liable to taxation for school purposes; and every such resident of such district, who is a citizen of the United States, of 21 years of age, and is the parent of a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such person not being the parent, who shall have permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such resident and citizen as aforesaid, who owns any personal property, assessed on the last preceding assessment roll of the town, exceeding \$50 in value, exclusive of such as is exempt from execution, and no other shall be entitled to vote at any school meeting held in such district, for all school district officers and upon all matters which may be brought before said meeting. No person shall be deemed to be ineligible to vote at any such school district meeting, by reason of sex, who has one or more of the other qualifications required by this section.

§ 12 If any person offering to vote at any school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall require the person so offering, to make the following declaration: "I do declare and affirm that I am, and have been, for the 30 days last past, an actual resident of this school district and that I am qualified to vote at this meeting." And every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his or her vote shall be rejected.

§ 13 Any person who shall wilfully make a false declaration of his or her right to vote at any such school meeting, after his or her right to vote thereat has been challenged, shall be deemed guilty of illegal voting, etc.

TITLE 7

a misdemeanor. And any person not qualified to vote at any such meeting, who shall vote thereat, shall thereby forfeit \$5, to be sued for by the supervisor for the benefit of the common schools of the town.

Powers of
district
meeting

§ 14 The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present:

- 1 To appoint a chairman for the time being.
- 2 If the district clerk be absent to appoint a clerk for the time.
- 3 To adjourn from time to time as occasion may require.

Election of
district
officers

4 To elect one or three trustees as hereinafter provided, a district clerk and a district collector, and in any district which shall so determine, as hereinafter provided, to elect a treasurer, at their first meeting, and so often as such offices or any of them become vacated, except as hereinafter provided. All district officers shall be elected by ballot. At elections of district officers, the trustees shall provide a suitable ballot box. Two inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, and canvass the same, and announce the result of the ballot to the chairman. A poll list containing the name of every person whose vote shall be received shall be kept by the district clerk, or the clerk for the time of the meeting. The ballots shall be written or printed, or partly written and partly printed, containing the name of the person voted for and designating the office for which each is voted for. The chairman shall declare to the meeting the result of each ballot, as announced to him by the inspectors, and the persons having the majority of votes, respectively, for the several offices, shall be elected.

Ballot box

Inspectors
of election

Poll list

Ballots

Declaration
of result

Treasurer,
election of,
how deter-
mined

Eligibility
to office

Term of
office

5 At the first meeting, or at any subsequent annual meeting, or at any special meeting duly called for that purpose, the qualified voters of any school district are authorized to adopt by a vote of a majority of such voters present and voting, to be ascertained by taking and recording the ayes and noes, a resolution to elect a treasurer of said district, who shall be the custodian of all moneys belonging to said district, and the disbursing officer of such moneys. If such resolution shall be adopted, such voters shall thereupon elect by a ballot a treasurer for said district. No person shall be eligible to the office of treasurer unless he is a qualified voter in, and a taxable inhabitant of said district. Any person elected treasurer at any meeting other than an annual meeting, shall hold office until the next annual meeting after such election, and until his successor shall be elected or appointed, and thereafter a treasurer shall be elected at each annual meeting for the term of one year.

6 To fix the amount in which the collector and treasurer shall give bonds for the due and faithful performance of the duties of their offices.

7 To designate a site for a schoolhouse, or, with the consent of the commissioner or commissioners within whose district or districts the schoolhouse lies, to designate sites for two or more schoolhouses for the district. Such designation of a site or sites for a schoolhouse can be made only at a special meeting of the district, duly called for such purpose by a written resolution in which the proposed site shall be described by metes and bounds, and which resolution must receive the assent of a majority of the qualified voters present and voting, to be ascertained by taking and recording the ayes and noes.

8 To vote a tax upon the taxable property of the district to purchase, lease and improve such site or sites or an addition to such site or sites; to hire or purchase rooms or buildings for school-rooms or schoolhouses, or to build schoolhouses; and to keep in repair and furnish the same with necessary fuel, furniture and appendages.

9 To vote a tax, not exceeding \$25 in any one year, for the purchase of maps, globes, blackboards and other school apparatus, and for the purchase of textbooks and other school necessities for the use of poor scholars of the district.

10 To vote a tax for the establishment of a school library and the maintenance thereof, or for the support of any school library already owned by said district, and for the purchase of books therefor, and such sum as they may deem necessary for the purchase of a bookcase.

11 To vote a tax to supply a deficiency in any former tax arising from such tax being, in whole or in part, uncollectible.

12 To authorize the trustees to cause the schoolhouse or school-houses, and their furniture, appendages and school apparatus to be insured by any insurance company created by or under the laws of this state.

13 To alter, repeal and modify their proceedings, from time to time, as occasion may require.

14 To vote a tax for the purchase of a book for the purpose of recording their proceedings.

15 To vote a tax to replace moneys of the district, lost or embezzled by district officers; and to pay the reasonable expenses incurred by district officers in defending suits or appeals brought against them for their official acts, or in prosecuting suits or appeals by direction of the district against other parties.

Collector's
and treasurer's
bonds

Designation
of site

Special meet-
ing therefor

Tax for sites
and school-
houses

Tax for ap-
paratus and
textbooks

Tax for school
library

Tax for
deficiencies

Insurance of
property

Alteration of
proceedings

Tax for
record book

Tax to re-
place moneys
Expenses of
suits

TITLE 7

Tax for
teachers'
wages

Trustees
may raise
moneys

Tax for
judgments
for teachers'
wages

Trustees may
levy tax
without vote

Trustees may
call meeting

Vote on
expenditures
of money or
levy of tax

Conveyance
of pupils to
other districts

¹⁶ To vote a tax to pay whatever deficiency there may be in teachers' wages after the public money apportioned to the district shall have been applied thereto; but if the inhabitants shall neglect or refuse to vote a tax for this purpose, or if they shall vote a tax which shall prove insufficient to cover such deficiency, then the trustees are authorized, and it is hereby made their duty, to raise, by district tax, any reasonable sum that may be necessary to pay the balance of teachers' wages remaining unpaid, the same as if such tax had been authorized by a vote of the inhabitants.

¹⁷ To vote a tax to pay and satisfy of record any judgment or judgments of a competent court which may have been or shall hereafter be obtained in an action against the trustees of the district for unpaid teachers' wages against the trustees of the district, where the time to appeal from said judgment or judgments shall have lapsed, or there shall be no intent to appeal on the part of such district, or the said judgment or judgments is or are or shall be of the court of last resort; but if the inhabitants shall neglect or refuse to vote a tax for this purpose, or, if they vote a tax which shall prove insufficient to fully satisfy said judgment or judgments, then the trustees are authorized and it is hereby made their duty to raise by district tax the amount of said judgment or judgments, or the deficiency which may exist in any tax voted by said inhabitants to pay said judgment or judgments, the same as if such tax had been authorized by a vote of the inhabitants, and the trustees are hereby authorized, and it is hereby made their duty forthwith, after the expiration of 30 days from notice of any judgment or judgments having been entered against the district or the trustees thereof for unpaid teachers' wages, to call a meeting of the inhabitants of said district, who shall have power, as aforesaid, to vote a tax to pay said judgment or judgments; and in case they refuse or neglect to do so, the trustees are authorized, and it is hereby made their duty, unless said judgment or judgments are appealed from, to raise by district tax the amount of said judgment or judgments as hereinbefore provided.

¹⁸ In all propositions arising at said district meetings, involving the expenditure of money, or authorizing the levy of a tax or taxes, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such district meetings.

¹⁹ Whenever any district shall have contracted with the school authorities of any city, village or other school district for the edu-

¹Added by section 5, chapter 264, laws of 1896; and amended by chapter 175, laws of 1903.

cation therein of the pupils residing in such school district, or whenever in any school district children of school age shall reside so remote from the schoolhouse therein that they are practically deprived of school advantages during any portion of the school year, the inhabitants thereof entitled to vote are authorized to provide, by tax or otherwise, for the conveyance of any or all pupils residing therein to the schools of such city, village or district with which such contract shall have been made, or to the school maintained in said district, and the trustees thereof may contract for such conveyance when so authorized in accordance with such rules and regulations as they may establish, and for the purpose of defraying any expense incurred in carrying out the provisions of this act, they may if necessary use any portion of the public money apportioned to such district as a district quota.

§ 15 In school districts in which the number of children of school age exceeds 300, as shown by the last annual report of the trustees to the school commissioners, the qualified voters of any such district, at any annual meeting thereof, may by the vote of a majority of those present and voting, to be ascertained by taking and recording the ayes and noes, determine that the election of officers of said district shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held in each year, between the hours of 12 o'clock noon and 4 o'clock in the afternoon, at the principal schoolhouse in such district, or such other suitable place as the trustees may designate. When the place of holding such election is other than at the principal schoolhouse, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in five conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from four o'clock until sunset. The trustees shall act as inspectors of election, and if a majority of the trustees shall not be present at the time for opening the polls, those of them in attendance may appoint any of the legal voters of the district present to act as inspectors in place of the absent trustees; and if none of the trustees shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors. If any such district shall have but one trustee, the legal voters of the district

Election of officers in districts over 300

Time of holding same

Notice of election

Extension of time

Inspectors of election

TITLE 7

Record of voters

Penalty for refusing to record names

Challenge

Declaration thereupon

Penalty for illegal voting, etc.

Ballot box

Ballots

Canvass of votes and declaration of results

Special election

present at the time of opening the polls, may choose two of their number to act with said trustee as inspectors. The district clerk shall attend at the election, and record in a book to be provided for that purpose, the name of each elector as he or she deposits his or her ballot. If the district clerk shall be absent, or shall be unable or refuse to act, the trustees or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk at such election who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of \$25, to be sued for by the supervisor of the town. If any person offering to vote at such election shall be challenged as unqualified, by any legal voter, the chairman of the inspectors shall require the person so offering to vote to make the following declaration: "I do declare and affirm that I am and have been for the 30 days last past an actual resident of this school district, and that I am legally qualified to vote at this election." Every person making such declaration shall be permitted to vote; but if any person shall refuse to make such declaration, his or her ballot shall not be received by the inspectors. Any person who, upon being so challenged, shall wilfully make a false declaration of his or her right to vote at such election, is guilty of a misdemeanor. Any person who shall vote at such election, not being duly qualified, shall, though not challenged, forfeit the sum of \$10, to be sued for by the supervisor of the town for the benefit of the school or schools of the district. The trustees of the district shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each one is voted, and such ballots may be either written or printed, or partly written and partly printed. The inspectors, immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk. If they exceed that number enough ballots shall be withdrawn to make them correspond. Said inspectors shall count the votes and announce the result. The person or persons having a majority of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. Whenever the time for holding such election as aforesaid shall pass without such election being held in any such district, a special election shall be called by the trustees or clerk, and if no such election be

called by the trustees or clerk within 20 days after such time shall have passed, the school commissioner or the Superintendent of Public Instruction may order an inhabitant of such district to give notice of such election in the manner provided in the second section of this title; and the officials elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified, as in this act provided. All disputes concerning the validity of any such election, or of any votes cast thereat, or of any of the acts decided of the inspectors or clerk, shall be referred to the Superintendent of Public Instruction, whose decision in the matter shall be final. Such Superintendent may, in his discretion, order a new election in any district.

The foregoing provision shall not apply to school districts in cities, nor to union free school districts whose limits correspond with those of an incorporated village, nor to any school district organized under a special act of the Legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in common school districts, organized under the general law, nor to any of the school districts in the counties of Richmond, Suffolk, Chenango, Westchester, Warren, Erie and St Lawrence.

ARTICLE 2

Of district schoolhouses and sites

§16 No schoolhouse shall be built so as to stand, in whole or in part, upon the division line of any two towns.

§17 No schoolhouse shall hereafter be erected in any city of the third class or in any incorporated village or school district of this state, and no addition to a school building in any such place shall hereafter be erected the cost of which shall exceed \$500, until the plans and specifications for the same shall have been submitted to the Commissioner of Education and his approval indorsed thereon. Such plans and specifications shall show in detail the ventilation, heating and lighting of such buildings. Such Commissioner of Education shall not approve any plans for the erection of any school building or addition thereto unless the same shall provide at least 15 square feet of floor space and 200 cubic feet of air space for each pupil to be accommodated in each study or recitation room therein, and no such plans shall be approved by him unless provision is made therein for assuring at least 30 cubic

Terms of offic-
ers elected
thereat

Election dis-
putes, how
decided

Limitation of
foregoing
provisions

Location of
schoolhouses

Approval of
plans by Com-
missioner of
Education

¹As amended by section 1, chapter 281, laws of 1904.

TITLE 7

feet of pure air every minute per pupil, and the facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes. No tax voted by a district meeting or other competent authority in any such city, village or school district exceeding the sum of \$500, shall be levied by the trustees until the Commissioner of Education shall certify that the plans and specifications for the same comply with the provisions of this act. All schoolhouses for which plans and detailed statements shall be filed and approved, as required by this act, shall have all halls, doors, stairways, seats, passageways and aisles and all lighting and heating appliances and apparatus arranged to facilitate egress in cases of fire or accident and to afford the requisite and proper accommodations for public protection in such cases. All exit doors shall open outwardly, and shall, if double doors be used, be fastened with movable bolts operated simultaneously by one handle from the inner face of the door. No staircase shall be constructed with winder steps in lieu of a platform, but shall be constructed with straight runs, changes in direction being made by platforms. No door shall open immediately upon a flight of stairs, but a landing at least the width of the door shall be provided between such stairs and such doorway.

Levy and
collection of
tax in install-
ments upon
favorable vote

¹§18 Whenever a majority of the inhabitants of any school district entitled to vote, to be ascertained by taking and recording the ayes and noes of such inhabitants attending and voting at any annual, special or adjourned school district meeting, legally called or held, shall determine that the sum proposed and provided for in the last preceding section shall be raised by instalments, it shall be the duty of the trustees of such district, and they are hereby authorized to cause the same to be raised, levied and collected in equal instalments in the same manner and with the like authority that other school taxes are raised, levied and collected, and to make out their tax list and warrant for the collection of such instalments, with interest thereon, as they become payable, according to the vote of the said inhabitants; but the payment or collection of the last instalment shall not be extended beyond 20 years from the time such vote was taken; and no vote to levy any such tax shall be reconsidered except at an adjourned annual or special meeting, to be held within 30 days thereafter, and a like majority shall be required for reconsideration as that by which tax was originally imposed. For the purpose of giving effect to these provisions, trustees are hereby authorized, whenever a tax shall have

Reconsidera-
tion of vote

Issue of bonds

¹As amended by section 1, chapter 274, laws of 1895.

been voted to be collected in instalments for the purpose of building a new schoolhouse or an addition to a schoolhouse, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding 6 per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district and be paid at maturity, and which shall not be sold below par. Due notice of the time and place of the sale of such bonds shall be given at least 10 days prior thereto. It shall be the duty of the trustees or the person or persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

§19 So long as a district shall remain unaltered, the site of a schoolhouse owned by it, upon which there is a schoolhouse erected or in process of erection, shall not be changed, nor such schoolhouse be removed, unless by the consent, in writing, of the school commissioner having jurisdiction; nor with such consent, unless a majority of all the legal voters of said district present and voting, to be ascertained by taking and recording the ayes and noes, at a special meeting called for that purpose, shall adopt a written resolution designating such new site, and describing such new site by metes and bounds.

§20 Whenever the site of a schoolhouse shall have been changed, as herein provided, the inhabitants of a district entitled to vote, lawfully assembled at any district meeting, shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon and appurtenances or any part thereof, at such price and upon such terms as they shall deem proper; and any deed duly executed by the trustees of such district, or a majority of them, in pursuance of such direction, shall be valid and effectual to pass all the estate or interest of such school district in the premises, and when a credit shall be directed to be given upon such sale for the consideration money, or any part thereof, the trustees are hereby authorized to take security in their corporate name such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district, in the manner they are now required by law to account for moneys received by them; and the trustees of any such district for the time being may, in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors.

TITLE 7

Disposition of proceeds

§21 All moneys arising from any sale made in pursuance of the last preceding section, shall be applied to the expenses incurred in procuring a new site, and in removing or erecting thereon a schoolhouse, and improving and furnishing such site and house, and their appendages, so far as such application shall be necessary; and the surplus, if any, shall be devoted to the purchase of school apparatus and the support of the school, as the inhabitants at any annual meeting shall direct.

ARTICLE 3

Of the qualification, election and terms of office of district officers, and of vacancies in such offices

Eligibility to office

§22 No school commissioner or supervisor is eligible to the office of trustee, and no trustee can hold the office of district clerk, collector, treasurer or librarian.

Qualifications of district officers

§23 Every district officer must be a resident of his district, and qualified to vote at its meetings. No person shall be eligible to hold any school district office who can not read and write.

Terms of office

§24 From one annual meeting to the next is a year within the meaning of the following provisions: The term of office of a sole trustee of a district is one year. The full term of a joint trustee is three years, but a joint trustee may be elected for one or two years, as herein provided. The term of office of all other district officers is one year. Every district officer shall hold his office, unless removed during his term of office, until his successor shall be elected or appointed.

Expiration of terms of first trustees

§25 The terms of all officers elected at the first meeting of a newly created district shall expire on the first Tuesday of August, next thereafter.

Number of trustees, how fixed

Annual election

Reduction of number

§26 On the first Tuesday of August next after the erection of a district, at its first annual meeting, the electors shall determine, by resolution, whether the district shall have one or three trustees; and if they resolve to have three trustees, shall elect the three for one, two and three years, respectively, and shall designate by their votes for which term each is elected; thereafter in such district, one trustee shall be elected at each annual meeting to fill the office of the outgoing trustee. The electors of any district having three trustees, shall have power to decide by resolution, at any annual meeting, whether the district shall have a sole trustee or three trustees, and if they resolve to have a sole trustee, the trustee or trustees in office shall continue in office until their term or terms of office shall expire, and no election

of a trustee shall be had in the district until the offices of such trustee or trustees shall become vacant by the expiration of their terms of office or otherwise, and thereafter but one trustee shall be elected for said district, until the electors of a district having Increase of number decided to have but one trustee shall determine at an annual meeting, by a two thirds vote of the legal voters present thereat, to have three trustees; in which case they shall, upon the adoption of such resolution, proceed to elect three trustees or such number as may be necessary to form a board of three trustees, in the same manner as provided in this section for the election of three trustees at the first annual meeting after the erection of a district; and thereafter in such district, one trustee shall be elected for three years, at each annual meeting, to fill the office of the outgoing trustee.

§27 It shall be the duty of the district clerk, or of any person Notice to persons elected who shall act as clerk at any district meeting, when any officer shall be elected, forthwith to give the person elected notice thereof in writing; and such person shall be deemed to have accepted Acceptance and refusal of the office, unless, within five days after the service of such notice, of office he shall file his written refusal with the clerk. The presence of any such person at the meeting which elects him to office, shall be deemed a sufficient notice to him of his election.

§28 The collector or treasurer vacates his office by not executing a bond to the trustee or trustees, as hereinafter required, Office of collector or treasurer when vacated and the trustee or trustees may supply the vacancy.

§29 In case the office of a trustee shall be vacated by his death, Vacancies in office of trustee refusal to serve, incapacity, removal from the district, or by his being removed from the office, or in any other manner, and the vacancy be not supplied by a district meeting within one month thereafter, the school commissioner of the commissioner district, within which the schoolhouse or principal schoolhouse of the district is situated, may, by writing, under his hand, appoint a competent person to fill it. If such vacancy is supplied by a district meeting, it shall be for the balance of the unexpired term; but when such vacancy is supplied by appointment by a school commissioner it shall be only until the next annual meeting of the district.

§30 A trustee who publicly declares that he will not accept Neglect of duty or refuse to serve in the office of trustee, or who refuses or neglects to attend three successive meetings of the board, of which he is duly notified, without rendering a good and valid excuse therefor to the other trustees, or trustee, where there are but two, vacates his office by refusal to serve.

TITLE 7
Vacancies in
office of clerk,
collector or
treasurer

Filing and
notice of ap-
pointment

Penalty for
refusal to
serve or
neglect of duty

Acceptance of
resignation

Filing of same
bars recovery
of penalty

Duties of
clerk

Record of
proceedings
and reports

Notice of
meetings

Notice to per-
sons elected
or appointed

§31 Any vacancy in the office of clerk, collector or treasurer, may be supplied by appointment under the hands of the trustee or trustees of the district, or a majority of them, and the appointees shall hold their respective offices until the next annual meeting of the district, and until others are elected and take their places.

§32 Every appointment to fill a vacancy shall be forthwith filed by the commissioner or trustees making it, in the office of the district clerk, who shall immediately give notice of the appointment to the person appointed.

§33 Every person chosen or appointed to a school district office, who being duly qualified to fill the same, shall refuse to serve therein, shall forfeit \$5; and every person so chosen or appointed, who, not having refused to accept the office, shall wilfully neglect or refuse to perform any duty thereof, shall by such neglect or refusal vacate his office and shall forfeit the sum of \$10. These penalties are for the benefit of the school or schools of the district. But the school commissioner of the commissioner district wherein any such person resides may accept his written resignation of the office, and the filing of such resignation and acceptance in the office of the district clerk shall be a bar to the recovery of either penalty in this section mentioned; or such resignation may be made to and accepted by a district meeting.

ARTICLE 4

Of the duties of the district clerk and treasurer

§34 It shall be the duty of the clerk of each school district:

1 To record the proceedings of all meetings of the voters of his district in a book to be provided for that purpose by the district, and to enter therein true copies of all reports made by the trustee or trustees to the school commissioner.

2 To give notice, in the manner prescribed by the sixth section of this title, or by the inhabitants, pursuant to such section, of the time and place of holding special district meetings called by the trustee or trustees.

3 To affix a notice in writing of the time and place of any adjourned meeting, when the meeting shall have been adjourned for a longer time than one month, in at least five of the most public places of such district, at least five days before the time appointed for such adjourned meeting.

4 To give the like notice of every annual district meeting.

5 To give notice immediately to every person elected or appointed to office of his election or appointment; and also to report

to the town clerk of the town in which the schoolhouse of his district is situated, the names and postoffice addresses of such officers, under a penalty of \$5 for neglect in each instance.

Report of
names and
addresses

6 To notify the trustee or trustees of every resignation duly accepted by the school commissioner.

Notice of
resignations

7 To keep and preserve all records, books and papers belonging to his office and to deliver the same to his successor. For a refusal or neglect so to do, he shall forfeit \$50 for the benefit of the school or schools of the district, to be recovered by the trustees.

8 In case his district shall be dissolved, to obey the order of the school commissioner or commissioners as to depositing the books, papers and records of his office in the town clerk's office.

Depositing of
records of
dissolved
districts

9 To attend all meetings of the board of trustees when notified, and keep a record of their proceedings in a book provided for that purpose.

Attendance
at trustee
meetings

10 To call special meetings of the inhabitants whenever all the trustees of the district shall have vacated their office.

Calling special
meetings

11 The records, books and papers belonging or appertaining to the office of the clerk of any school district, as in this section mentioned, are hereby declared to be the property of said school district respectively, and shall be open for inspection by any qualified voter of the district at all reasonable hours, and any such voter may make copies thereof.

Records etc.
property of
districts

Open to
inspection

§35 The treasurer of a school district shall be the custodian of all moneys belonging to the district from whatever source derived, and it is hereby made the duty of the trustee or trustees of such district to pay to such treasurer any and all moneys that may come into his or their hands belonging to such district derived from sales of personal or real property of the district, from insurance policies, from bonds of the district issued and sold by him or them, or from any other source whatsoever. The collector of such district shall pay over to such treasurer all moneys collected by him under and by virtue of any tax list and warrant issued and delivered to him.

Treasurer,
his duties

Trustees to
pay over
moneys to
treasurer

Such treasurer is hereby authorized and empowered to demand and receive from the supervisor of the town in which such school district is situated all public money apportioned to said district. It shall be the duty of such treasurer within 10 days after notice of his election to execute and deliver to the trustee or trustees of such district his bond in such sum as shall have been fixed by a district meeting or as such trustee or trustees shall require, with at least two sureties to be approved by such trustee or trustees, conditioned to faithfully discharge the duties of his office, and to well

Collector to
pay over
moneys

May demand
and receive
public moneys

Treasurer's
bond

TITLE 7

and truly account for all moneys received by him, and to pay over any sum or sums of money remaining in his hands to his successor in office. Such bond when so executed and approved in writing by such trustee or trustees shall be filed with the district clerk. No moneys shall be paid out or disbursed by such treasurer except upon the written orders of a sole trustee or a majority of the trustees. Such treasurer shall, whenever required by such trustee or trustees, report to him or them a detailed statement of the moneys received by him, and his disbursements, and at the annual meeting of such district he shall render a full account of all moneys received by him and from what source and when received, and all disbursements made by him and to whom and the dates of such disbursements respectively, and the balance of moneys remaining in his hands.

Disbursements, how made

Report of receipts and disbursements

Admission of pupils to common schools

Taxation of nonresident pupils

Admission of Indian pupils

Qualifications of teachers

ARTICLE 5

Of pupils and teachers

§36 Common schools in the several school districts of this state shall be free to all persons over 5 and under 21 years of age residing in the district as hereinafter provided; but nonresidents of a district, if otherwise competent, may be admitted into the school of a district, with the written consent of the trustees, or of a majority of them, upon such terms as the trustees shall prescribe; provided that if such nonresident pupils, their parents or guardians, shall be liable to be taxed for the support of said schools in the district, on account of owning property therein, the amount of any such tax paid by a nonresident pupil, his parent or guardian, during the current school year, shall be deducted from the charge for tuition.

§37 If a school district include a portion of an Indian reservation, whereon a school for Indian children has been established by the Superintendent of Public Instruction, and is taught, the school of the district is not free to Indian children resident in the district or on the reservation, nor shall they be admitted to such school except by the permission of the Superintendent.

§38 No teacher is qualified, within the meaning of this act, who does not possess an unannulled diploma granted by a state normal school, or an unrevoked and unannulled certificate of qualification given by the Superintendent of Public Instruction, or an unexpired certificate of qualification given by the school commissioner within whose district such teacher is employed. No person shall be deemed to be qualified who is under the age of 18 years.

¹As amended by section 6, chapter 264, laws of 1896.

§39 No part of the school moneys apportioned to a district can be applied or permitted to be applied to the payment of the wages of an unqualified teacher, nor can his or her wages, or any part of them, be collected by a district tax.

§40 Any trustee who applies, or directs, or consents to the application of any such money to the payment of an unqualified teacher's wages, thereby commits a misdemeanor; and any fine imposed upon him therefor shall be for the benefit of the common schools of the district.

§41 Teachers shall keep, prepare and enter in the books provided for that purpose, the school lists and accounts of attendance hereinafter mentioned, and shall be responsible for their safe-keeping and delivery to the clerk of the district at the close of their engagements or terms.

ARTICLE 6

Of trustees, their powers and duties; and of school taxes and annual reports

§42 The trustee or trustees of every school district, whether there is one, or are three trustees as hereinbefore provided, shall constitute a board for each of said districts respectively, and each of said boards are hereby severally created bodies corporate.

§43 All property which is now vested in, or shall hereafter be transferred to the trustee or trustees of a district, for the use of schools in the district, shall be held by him or them as a corporation.

§44 A board consisting of a sole trustee of the district shall have all the powers, and be subject to all the duties, liabilities and penalties conferred and imposed by law upon or against a board of three trustees or any trustee or trustees, or a majority of the trustees of said board having three trustees of a district.

§45 The trustee or trustees of a district compose a board, and every power committed to said trustees by this act must be exercised by the board. The board must meet for the transaction of business in accordance with notice of time and place. In a board composed of three trustees when two only meet to deliberate upon any matter or matters, and the third, if notified, does not attend, or the three meet and deliberate thereon, the conclusion of two upon the matter, and their order, act or proceeding in relation thereto, shall be as valid as though it were the conclusion, order, act or proceeding of the three; and a recital of the two in their minute of the conclusion, act or proceeding, or in their order, act or proceeding of the fact of such notice, or of such meeting and de-

Payment to
unqualified
teachers
prohibited

Penalty for
such payment

Teachers to
keep lists of
attendance
etc.

Board of
trustees

Property to
be held as a
corporation

Sole trustee,
his powers
and duties

Powers to
be exercised
by board

Conclusions
etc. of two
trustees valid

Minutes
thereof
evidence

TITLE 7

Meetings called by any member

Remaining trustees may act in case of vacancies

Special meetings for vacancies

Duties of trustees

Special meetings

Notice of meetings

Tax list

Warrant to collector

Purchase, lease etc. of school-houses etc.

Repairs and furniture

Custody of property

Insurance of school-houses, apparatus, etc.

liberation, shall be conclusive evidence thereof. A meeting of the board may be ordered by any member thereof, by giving not less than 24 hours notice of the same.

§46 While there is one vacancy in the office of trustee, the two trustees have all the powers and are subject to all the duties and liabilities of the three. And while there are two such vacancies, the trustee in office shall have all the power and be subject to all the duties and liabilities of the three, as though he were a sole trustee. When a vacancy or vacancies shall occur in the office of trustee, the first act of the board shall be to call a special meeting of the district to supply such vacancy or vacancies.

§47 It shall be the duty of the trustee or trustees of every school district, and they shall have power:

1 To call special meetings of the inhabitants of such districts whenever they shall deem it necessary and proper.

2 To give notice of special, annual and adjourned meetings in the manner prescribed in the sixth section of this title, if there be no clerk of the district, or be he absent or incapable of acting, or shall refuse to act.

3 To make out a tax list of every district tax voted by any such meeting, or authorized by law, containing the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, set opposite to his name, as directed in the seventh article of this title.

4 To annex to such tax list a warrant, directed to the collector of the district, for the collection of the sums in such list mentioned.

5 To purchase or lease a site or sites for the district schoolhouse or schoolhouses, as designated by a meeting of the district and to build, or purchase such schoolhouse or houses as may be so designated; and to hire rooms or buildings for such school purposes, and to keep in repair and furnish such schoolhouse or houses, rooms or buildings with necessary fuel, furniture, school apparatus, heating apparatus and appendages, and to pay the expense thereof by tax but such expense shall not exceed \$50 in any one year, unless authorized by the district or by law.

6 To have the custody and safe-keeping of the district schoolhouse or houses, their sites and appurtenances.

7 When thereto authorized by a meeting of the district to insure the schoolhouse or houses, and their furniture, and the school apparatus in some company created by or under the laws of this state, and to comply with the conditions of the policy, and raise the pre-

miums by a district tax. If the district meeting shall neglect to make such authorization, it shall be the duty of the trustee or trustees to insure such schoolhouse or houses, and their furniture and school apparatus, and the premiums paid shall be raised by district tax.

8 To insure the school library in such a company in a sum fixed ^{Insurance of library} by a district meeting, and to raise the premium by a district tax, and comply with the conditions of the policy.

^{Employment of teachers} 9 To contract with and employ all teachers in the district school or schools as are qualified under the provisions of this act, and to designate the number of teachers to be employed; to determine the rate of compensation to be paid to each teacher and the term of the employment of each teacher, respectively, and to determine the terms of school to be held in their respective districts during each school year; but no person who is related to any trustee or trustees by blood or marriage shall be so employed, except with the approval of two thirds of the voters of such district present ^{Term of employment} and voting upon the question at an annual or special meeting of the district. Nor shall the trustees of any school district make any contract for the employment of a teacher for more than one year in advance. Nor shall any trustee or trustees, employ any teacher for a shorter time than 10 weeks unless for the purpose of filling out an unexpired term of school. Nor shall any trustee or ^{Dismissal of teachers} trustees contract with any teacher whose certificate of qualification shall not cover a period at least as long as that covered by the contract of service. Nor shall any teacher be dismissed in the course of a term of employment, except for reasons which, if appealed to the Superintendent of Public Instruction, shall be held to be sufficient cause for such dismissal. Any failure on the part ^{Revocation of certificates} of a teacher to complete an agreement to teach a term of school without good reason therefor shall be deemed sufficient ground for the revocation of the teacher's certificate. Any person employed ^{Claim for wages} in disregard of the foregoing provisions shall have no claim for wages against the district, but may enforce the specific contract made against the trustee or trustees consenting to such employment as individuals.

^{Contracts for employment of teachers} 10 All trustees of school districts who shall employ any teacher to teach in any of said districts shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by said trustee or trustees, or by some person duly authorized by said trustee or trustees to

¹As amended by section 9, chapter 264, laws of 1896.

²As amended by section 8, chapter 264, laws of 1896.

TITLE 7

Pay of
teachers,
when due

represent him or them in the premises in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time or times when such compensation shall be due and payable shall be clearly and definitely set forth. The pay of any teacher employed in any of the school districts of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment.

Rules

11 To establish rules for the government and discipline of the schools in their respective districts; and to prescribe the course of studies to be pursued in such schools. Provision shall be made for instructing pupils in all schools supported by public money or under state control, in physiology and hygiene, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

Payment of
teachers
wages

12 To pay, towards the wages of such teachers as are qualified, the public moneys apportioned to the district legally applicable thereto, by giving them orders therefor on the supervisor, or on the collector or treasurer of such district when duly qualified to receive and disburse the same, and to collect, as herein provided, the residue of such wages by direct tax. But no trustee shall issue any order or draw a draft upon the supervisor, collector or treasurer for any money unless there shall be at the time a sufficient amount of money in the hands of such supervisor, collector or treasurer belonging to the district, to meet such order or draft, and a violation of this provision by any trustee shall be a misdemeanor and punishable as such.

Misdemeanor

If, at the time of the employment of a qualified teacher for a term of school, there shall be no public moneys in the hands of the supervisor, collector or treasurer applicable to the payment of teachers wages, or if there shall not be a sufficient amount in the hands of either or all such officers to enable the trustee or trustees to pay the teachers wages as they fall due, and the district meeting has failed or neglected to authorize a tax to pay the same, the trustee or trustees of such school district are hereby authorized and empowered, and it shall be their duty, to collect by district tax an amount sufficient to pay the wages of such teacher for such term, but not to exceed four months in advance.

District tax
for teachers
wages

13 To divide such public moneys apportioned to the district, whenever authorized by a vote of their district into two or more portions for each year; to assign and apply one of such portions to each term during which a school shall be kept in such district,

Division of
public moneys
for each term

for the payment of teachers wages during such term; and to collect the residue of such wages not paid by the proportion of wages by tax public money allotted for that purpose, by district tax as herein provided.

14 To draw upon the supervisor, the collector or treasurer, when duly qualified to receive and disburse the same, for the school and library moneys, by written orders signed by the sole trustee, or where there are three trustees, signed by a majority of said trustees as prescribed by subdivisions 1 and 2 of section 4 of title 3 of this act.

15 After having paid toward the wages of such teachers as are qualified, the public moneys of the district legally applicable thereto, by giving them orders on the supervisor, collector or treasurer therefor, to collect the residue of such wages by a district tax, or, if the same shall have been already collected, to give such teacher an order on the collector or treasurer for the balance of his or her wages still remaining unpaid. But it shall be a misdemeanor, and punishable as such, for a trustee or trustees to give an order upon the collector or treasurer unless there shall be in the hands of said collector or treasurer, at the time, sufficient money belonging to the district to meet the same.

§48 The trustee or trustees in the several school districts shall provide suitable and convenient water-closets or privies for each of the schools under their charge, at least, two in number, which shall be entirely separated each from the other, and having separate means of access, and the approaches thereto shall be separated by a substantial close fence not less than seven feet in height. It shall be the duty of the trustee or trustees aforesaid to keep the same in a clean and wholesome condition, and a failure to comply with the foregoing provisions of this section on the part of such trustee or trustees, shall be sufficient ground for his or their removal from office, and for withholding from the district any share of the public moneys of the state. Any expense incurred by such trustee or trustees in carrying out the requirements of this act shall be a charge upon the district, when such expense shall have been approved by the school commissioner of the district within which the school district is located, and a tax may be levied therefor without a vote of the district.

§49 All school buildings situated in the school districts of the state, other than in the cities of New York and Brooklyn, which are more than two stories high, shall have properly constructed stairways on the outside thereof, with suitable doorways leading

TITLE 7

Trustees to
cause same
to be con-
structed, etc.

Repairs to
schoolhouses
and apparatus

Outbuildings

Nuisances

Fuel etc.

Cleaning rooms or rooms clean, and make them reasonably comfortable for use, when no provision has been made therefor by a vote of the district, or the sum voted by the district for said purposes shall have proved insufficient. Said trustee or trustees shall also provide for

Janitor's work building fires and cleaning the schoolroom or rooms, and for janitor work generally in and about the schoolhouse or houses, and pay for such service such reasonable sum as may be agreed upon

Account books therefor. They shall provide the bound blank books for the entering of their accounts and the keeping of the school lists, the records of the district and the proceedings of district and trustee meetings, and they may expend in the purchase of

Dictionaries,
school appar-
atus, etc.

dictionary, maps, globes or other school apparatus, a sum not exceeding \$25 in any one year. Whenever it shall be necessary for the

Temporary
or branch
schoolrooms

due accommodation of the children of the district, by reason of any considerable number of said children residing in portions of said districts remote from the schoolhouse in said district, thereby rendering it difficult for them in inclement weather and in winter to attend school at such schoolhouse, or by reason of the room or rooms in said schoolhouse being overcrowded, or for any other

thereto, from each story above the first, for use in case of fire. Such stairways shall be kept in good order and free from obstruction. It shall be the duty of the trustee or trustees having charge of said school buildings in school districts to cause such stairways to be constructed and maintained, and the reasonable and proper cost thereof, shall, in each case, be a legal charge upon the district, and shall be raised by tax, as other moneys are raised for school purposes.

§50 The trustee or trustees of each school district shall keep each of the schoolhouses under his or their charge, and its furniture, school apparatus and appendages, in necessary and proper repair, and make the same reasonably comfortable for use, but not at an expense of exceeding \$50 in any one year, except by a vote of the district. Said trustee or trustees shall also expend a sum not exceeding \$50, in the erection of necessary outbuildings, when the district is wholly unprovided with such buildings, upon the direction of the school commissioner in whose district such schoolhouse is situated, or of the Superintendent of Public Instruction. Said trustee or trustees shall also make any repairs and abate any nuisances, pursuant to the direction of the school commissioner, as hereinbefore provided, and shall provide fuel, stoves or other heating apparatus, pails, brooms and other implements necessary to keep the schoolhouse or houses and the schoolroom

sufficient reason the due accommodation of said children can not be made in said schoolhouse, they shall establish temporary or branch school or schools in such place or places in said district as shall best accommodate such children, and hire any room or rooms for the keeping of said temporary or branch school or schools, and fit up and furnish said room or rooms in a suitable manner for conducting such school or schools therein. Any expenditure made or liability incurred in pursuance of this section shall be a charge upon the district.

§51 When trustees are required or authorized by law, or by a vote of their district, to incur any expense for such district, and when any expenses incurred by them are made, by express provision of law, a charge upon such district, they may raise the amount thereof by tax in the same manner as if the definite sum to be raised had been voted by a district meeting.

§52 The trustees, or any one of them, if not forbidden by another, may freely permit the schoolhouse, when not in use for the district school, to be used by persons assembling therein for the purpose of giving and receiving instruction in any branch of education or learning, or in the science or practice of music.

§53 They shall procure two bound blank books for the district and, when necessary, others in their places. In one of them, at or before each annual district meeting, they shall enter at large and sign a statement of all movable property belonging to the district, and their accounts of all moneys received or drawn for or paid by them, and they shall deliver this book to their successors. In the other, the teachers shall enter the names of the pupils attending school, their ages, the names of the persons who send them, and the number of days each pupil attends; and, also, the facts and the dates of each inspection of the school by the school commissioner or other official visitor, and any other facts, and in such form as the Superintendent of Public Instruction shall require; and each teacher shall, by his oath or affirmation, verify his entries in such book, and the entries shall constitute the school lists from which the average daily attendance shall be determined; and such oath or affirmation may be taken by the district clerk, but without charge. Until the teacher shall have so made and verified such entries, the trustees shall not draw on the supervisor, collector or treasurer for any portion of his or her wages.

§54 If any portion of the moneys apportioned to the district shall not be paid by the supervisor, the collector or treasurer,

Notification of moneys withheld

TITLE 7

upon the due requirement of the trustees, they shall forthwith notify the treasurer of the county, and the Superintendent of Public Instruction, of the fact.

Annual report
to districts

§ 55 The trustees shall, once in each year, render to the district, at its annual district meeting, a just, full and true account in writing, under their hands, of all moneys received by them respectively for the use of the district, or raised or collected by taxes, the preceding year, and of the manner in which the same shall have been expended, and showing to which of them an unexpended balance, or any part thereof, is chargeable; and of all drafts or orders made by them upon the supervisor, collector, treasurer or other custodian of moneys of the district; and a full statement of all appeals, actions or suits and proceedings brought by or against them, and of every special matter touching the condition of the district.

Payment of
balances to
successors

§ 56 An outgoing trustee shall forthwith pay, to his successor or any other trustee of the district in office, all unexpended moneys in his hands belonging to the district.

Neglect or
refusal to
account

§ 57 By a wilful neglect or refusal to render such account, a trustee also forfeits any unexpired term of his office, and becomes liable to the trustees for any district moneys in his hands.

Suing of
former
trustees

§ 58 The trustees in office shall sue for and recover any district moneys in the hands of any former trustee, or of his personal representatives, and apply them to the use of the district.

Annual report
to commis-
sioner

§ 59 The trustees of each school district shall, on the first day of August in each year, make to the school commissioner a report in writing for the year ending July 31 preceding. In every case the trustee or trustees shall sign and certify to said report and deliver it to the clerk of the town, in which the schoolhouse of the district is situated; and every such report shall certify:

Items of
report

1 The whole time any school has been kept in their district during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such school has been kept by qualified teachers, and the whole number of days, including holidays, in which the school was taught by qualified teachers.

Whole time
school has
been kept, etc.

2 The amount of their drafts upon the supervisor, collector or treasurer for the payment of teachers wages during such year, and the amount of their drafts upon him for the purchase of books and school apparatus during such year, and the manner in which such moneys have been expended.

Amount of
drafts for
payments

3 The number of children taught in the district school or schools during such year by qualified teachers, and the sum of the days attendance of all such children upon the school.

4 The number of children residing in the district on the 30th day of June previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside, and the number of children residing with each.

5 The number of vaccinated and unvaccinated children of school age in their respective districts.

6 The amount of money paid for teachers wages, in addition to the public money paid therefor, the amount of taxes levied in said district for purchasing schoolhouse sites, for building, hiring, purchasing, repairing and insuring schoolhouses, for fuel, for school libraries, or for any other purpose allowed by law, and such other information in relation to the schools and the district as the Superintendent of Public Instruction may, from time to time, require.

§60 The annual reports of trustees of school districts, of children residing in their district, shall include all over 5 and under 21 years of age, who shall have been, on the 30th day of June last preceding the date of such report, actually in the district, comprising a part of the family of their parents or guardians or employers, if such parents, guardians or employers resided at the time in such district, although such residence was temporary; but such report shall not include children belonging to the family of any person who shall be an inhabitant of any other district in this state, in which such children may by law be included in the report of its trustees; nor any children who are supported at a county poorhouse or an orphan asylum; nor any Indian children residing on reservations where schools provided by law for their education are taught.

§61 Where a school district lies in two or more counties, its trustees shall make such an annual report for each part of it lying in a different county, and file each in the office of the clerk of the town in which the part of the district to which it especially relates lies; and such report shall be in the form and contain all such special matters as the Superintendent of Public Instruction shall from time to time prescribe.

ARTICLE 7

Of the assessment of district taxes, and the collection of such taxes; and of the collector, his powers, duties and liabilities

Assessment
and tax list
therefor

Heading on
tax list

Taxes, how
apportioned
and assessed

Land lying
in one body

Nonresident
lands

Personal estate

Bank stock

Valuations of
taxable
property

§62 Within 30 days after a tax shall have been voted by a district meeting, the trustees shall assess it, and make out the tax list therefor, and annex thereto their warrant for its collection. But they may at the same time assess two or more taxes so voted, and any tax or taxes they are authorized to raise without such vote, and make out one tax list and one warrant for the collection of the whole. They shall also prefix to their tax list a heading showing for what purpose the different items of the tax are levied.

¹§63 School district taxes shall be apportioned by the trustees upon all real estate within the boundaries of the district which shall not be by law exempt from taxation, except as hereinafter provided, and such property shall be assessed to the person or persons, or corporation owning or possessing the same at the time such tax list shall be made out, but land lying in one body and occupied by the same person, either as owner or agent for the same principal, or as tenant under the same landlord, if assessed as one lot on the last assessment roll of the town after revision by the assessors, shall, though situated partly in two or more school districts, be taxable in that one of them in which such occupant resides. This rule shall not apply to land owned by nonresidents of the district, and which shall not be occupied by an agent, servant or tenant residing in the district. Such unoccupied real estate shall be assessed as nonresident, and a description thereof shall be entered in the tax list. The trustees

shall also apportion the district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein, for the personal estate owned by them and liable to taxation.

They shall also apportion the same upon nonresident stockholders in banks or banking associations situated in their districts for the amount of stock owned by them therein, and upon individual bankers doing business in their district in accordance with the provisions of chapter 409 of the laws of 1882, as amended by sections 2, 3 and 4 of chapter 714 of the laws of 1892.

²§64 The valuations of taxable property shall be ascertained, so far as possible, from the last assessment roll of the town, after

¹ See section 24 and 25, article 2, of the tax law on page ; also laws of 1905, chapter 720, mortgage tax law.

² Chapter 385, laws of 1904, relates to completion of assessment roll, and chapter 279, laws of 1904 fixes Sep. 15 as date when assessment rolls must be filed in the office of town clerk.

revision by the assessors; and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction in writing to the trustees of the district before the tax list shall be made out.

§65 Where such reduction shall be duly claimed and where the valuation of taxable property can not be ascertained from the last assessment roll of the town, or where the valuation of such property shall have increased or diminished, since the last assessment roll of the town, or an error, mistake or omission on the part of the town assessors shall have been made in the description or valuation of taxable property, the trustees shall ascertain the true value of the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property, the hearing of grievances, and the revision of the town assessment roll.

§66 When a district embraces parts of more than one town, it shall be the duty of the supervisors of such towns so in part embraced and they are hereby directed, upon receiving a written notice from the trustee or trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, to meet at a time and place to be named in such notice, which time shall not be less than five or more than 10 days from the service thereof, and a place within the bounds of the towns so in part embraced, and proceed to inquire and determine whether the valuation of real property upon the several assessment rolls of said towns are substantially just, as compared with each other, so far as said districts are concerned, and if ascertained not to be so, they shall determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees of such district shall thereupon assess the proportion of any tax thereafter to be raised, according to the determination of such supervisors, until new assessment rolls of the town shall be perfected and filed, using the assessment rolls of the several towns to distribute the said proportion among the persons liable to be assessed for the same. In cases when such supervisors shall be unable to agree, they shall summon a supervisor from some adjoining town, who shall unite in such inquiring, and the finding of a majority shall be the determination of such meeting. Such supervisors shall receive for their services \$3 per day for each day actually employed which shall be a town charge upon their respective towns.

Reduction of valuation

Equalization of valuations in joint districts

Duty of supervisor

Assessment of tax thereafter

Provisions in case of nonagreement

Compensation of supervisors

TITLE 7

Persons working land on shares or in possession by contract

§67 Any person working land under a contract for a share of the produce of such land, shall be deemed the possessor, so far as to render him liable to taxation therefor, in the district where such land is situate, and any person in possession of real property under a contract for the purchase thereof shall be liable to taxation therefor in the district where such real property is situate.

Nonresidents having agents, etc. on land

§68 Every person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or servant, shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district, in the same manner as if he actually resided therein.

Tenants paying tax

§69 Where any district tax, for the purpose of purchasing a site for a schoolhouse, or for purchasing or building, keeping in repair, or furnishing such schoolhouse with necessary fuel and appendages, shall be lawfully assessed, and paid by any person on account of any real property whereof he is only a tenant at will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

Exemption of certain persons from taxation for schoolhouses

§70 Every taxable inhabitant of a district who shall have been, within four years, set off from any other district, without his consent, and shall within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a schoolhouse, shall be exempted by the trustees of the district where he shall reside, from the payment of any tax for building a schoolhouse therein.

Taxes on nonresident lands

§71 When any real estate within a district so liable to taxation shall not be occupied and improved by the owner, his servant or agent and shall not be possessed by any tenant, the trustees of any district, at the time of making out any tax list by which any tax shall be imposed thereon, shall make and insert in such tax list a statement and description of every such lot, piece or parcel of land so owned by nonresidents therein, in the same manner as required by law from town assessors in making out the assessment roll of their towns; and if any such lot is known to belong to an incorporated company liable to taxation in such district, the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the last assessment roll of the town; and if the same was not separately valued in such roll, then it shall be valued in proportion to

Incorporated companies etc.

the valuation which was affixed in the said assessment roll to the whole tract of which such lot or piece shall be part.

§72 If any tax on real estate placed upon the tax list and duly delivered to the collector, or the taxes upon nonresident stock-holders in banking associations organized under the laws of Congress, shall be unpaid at the time the collector is required by law to return his warrant, he shall deliver to the trustees of the district an account of the taxes remaining due, containing a description of the lands upon which such taxes were unpaid as the same were placed upon the tax list, together with the amount of the tax so assessed, and upon making oath before any justice of the peace or judge of court of record, notary public or any other officer authorized to administer oaths, that the taxes mentioned in any such account remain unpaid, and that, after diligent efforts, he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

§73 Upon receiving any such account from the collector, the trustees shall compare it with the original tax list, and, if they find it to be a true transcript, they shall add to such account their certificate, to the effect that they have compared it with the original tax list and found it to be correct, and shall immediately transmit the account, affidavit and certificate to the treasurer of the county.

¹§74 Out of any moneys in the county treasury, raised for contingent expenses, or for the purpose of paying the amount of the taxes so returned unpaid, the treasurer shall pay to the collector the amount of the taxes so returned as unpaid, with one per centum of the amount in addition thereto, for the compensation of such collector, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the collector of the school district the amount thereof, with said addition thereto, by voucher or draft on the county treasurer, in the same manner as other county charges are paid, and the collector shall be again charged therewith by the trustees.

§75 Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with 7 per cent of the amount in addition thereto, to be levied upon the lands upon which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company; and when collected the same shall be returned to the county treasurer to

¹As amended by section 4, chapter 512, laws of 1897.

TITLE 7

reimburse the amount so advanced, with the expenses of collection; and if imposed upon the stock of a nonresident stockholder in a banking association organized under the laws of Congress, then the same, with 7 per cent of the amount in addition thereto, shall be a lien upon any dividends thereafter declared upon such stock, and, upon notice by the board of supervisors to the president and directors of such bank of such charge upon such stock, the president and directors shall thereafter withhold the amount so stated from any future dividends upon such stock, and shall pay the same to the collector of the town duly authorized to receive the same.

Payment
before levy
of tax

¹§76 Any person whose lands are included in any such account may pay the tax assessed thereon, with 5 per centum added thereto, to the county treasurer, at any time before the board of supervisors shall have directed the same to be levied.

Proceeding for
collection of
unpaid taxes

§77 The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to the county taxes; and, upon a similar account, as in the case of county taxes of the arrears thereof uncollected, being transmitted by the county treasurer to the Comptroller, the same shall be paid on his warrant to the treasurer of the county advancing the same; and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon land of nonresidents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collection thereof as provided by law in respect to the county taxes assessed upon such company.

Warrant for
collection of
tax

§78 The warrant for the collection of a district tax shall be under the hands of the trustees, or a majority of them, with or without their seals; and it shall have the like force and effect as a warrant issued by a board of supervisors to a collector of taxes in the town; and the collector to whom it may be delivered for collection shall be thereby authorized and required to collect from every person in such tax list named the sum set opposite to his name, or the amount due from any person or persons specified therein, in the same manner that collectors are authorized to collect town and county taxes.

Delivery
collector

§79 A warrant for the collection of a tax voted by the district shall not be delivered to the collector until the 31st day after the tax was voted. A warrant for the collection of any tax not so voted may be delivered to the collector whenever the same is completed.

¹As amended by section 2, chapter 769, laws of 1895.

§80 Within such time, not less than 10 days, as the trustees shall allow him for the purpose, the collector, before receiving the first warrant for the collection of money, shall execute a bond to the trustees, with one or more sureties, to be approved by a majority of the trustees, in such amount as the district meeting shall have fixed, or if such meeting shall not have fixed the amount, then in such amount as the trustees shall deem reasonable, conditioned for the due and faithful execution of the duties of his office. The trustees, upon receiving said bond, shall, if they approve thereof, indorse their approval thereon, and forthwith deliver the same to the town clerk of the town in which said collector resides, and said clerk shall file the same in his office, and enter in a book to be kept by him for that purpose, a memorandum, showing the date of said bond, the names of the parties and sureties thereto, the amount of the penalty thereof, and the date and time of filing the same, and said town clerk is authorized to receive as a fee for such filing and memorandum the sum of 25 cents, which sum is hereby made a charge against the school district interested in said bond; and in case the trustees of any school district, other than those within the limits of any city or incorporated village, shall deem it for the best interests of the district or the public to have the collector of such district disburse to teachers the money apportioned by the state for teachers wages, they shall so direct, by resolution to be entered upon the minutes of their proceedings, and thereupon the said collector, before receiving any such money for such purpose, shall execute a bond to the trustees, with two or more sureties, in double the amount of the last apportionment, with like condition of sureties, approval of trustees, and amount and like directions as to filing as are required above for a bond for the collection of taxes, and conditioned also for the due and faithful execution of the duties of his office as such disbursing agent. In districts in which a treasurer shall be elected as hereinbefore provided in this title, the collector shall not receive or disburse any of the money apportioned by the state for teachers wages, but the same shall be paid by the supervisor to such treasurer as hereinbefore provided.

^{1 2}§81 The collector, on the receipt of a warrant for the collection of taxes, shall give notice to the taxpayers of the district by publicly posting written or printed, or partly written and partly printed notices in at least three public places in such district, one of which

¹As amended by section 1, chapter 575, laws of 1866.

²As amended by section 1, chapter 440, laws of 1899.

TITLE 7

shall be on the outside of the front door of the schoolhouse, stating that he has received such warrant and will receive all such taxes as may be voluntarily paid to him within 30 days from the time of posting said notice. Such collector shall also give a like notice either personally or by mail, at least 20 days previous to the expiration of the 30 days aforesaid, to the ticket agent at the nearest station of any railroad corporation, or the president, secretary, general or division superintendent or manager of any canal or pipe lines assessed for taxes upon the tax list delivered to him with the aforesaid warrant, and where the amount of the tax is \$1 or more the collector shall also give a like notice to all nonresident taxpayers on said list whose residence or postoffice address may be known to such collector, or which may be ascertained by him upon inquiry of the trustees and clerk of his district, and no school collector shall be entitled to recover from any railroad corporation, canal company or pipe line or nonresident taxpayer more than 1 per cent fees on the taxes assessed against such corporation or nonresident, unless such notice shall have been given as aforesaid; and in case the whole amount of taxes shall not be so paid in the collector shall forthwith proceed to collect the same. He shall receive for his services, on all sums paid in as aforesaid, 1 per cent, and upon all sums collected by him, after the expiration of the time mentioned, 5 per cent, except as hereinbefore provided; and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to traveling fees, at the rate of 10 cents per mile, to be computed from the schoolhouse in such district.

§82 Any collector to whom any tax list and warrant may be delivered for collection may execute the same in any other district or town in the same county, or in any other county where the district is a joint district and composed of territory from adjoining counties, in the same manner and with the like authority as in the district in which the trustees issuing the said warrant may reside, and for the benefit of which said tax is intended to be collected; and the bail or sureties of any collector, given for the faithful performance of his official duties, are hereby declared and made liable for any moneys received or collected on any such tax list and warrant.

§83 If the sum or sums of money, payable by any person or persons named in such tax list, shall not be paid by him or them or collected by such warrant within the time therein limited, it shall and may be lawful for the trustees to renew such warrant in respect to such delinquent person or persons; and whenever more than one

Notice to railroad companies and nonresident taxpayers

Collectors fees

Warrant may be executed in another town etc.

Liability of sureties

Renewal of warrants

renewal of a warrant for the collection of any tax list may become necessary in any district, the trustees may make such further renewal or renewals, with the written approval of the supervisor of any town in which a schoolhouse of said district shall be located, to be indorsed upon such warrant.

§84 Whenever the trustees of any school district shall discover any error in a tax list made out by them, they may, with the approval and consent of the Superintendent of Public Instruction, after refunding any amount that may have been improperly collected on such tax list, if the same shall be required by him, amend and correct such tax list, as directed by the Superintendent, in conformity to law.

§85 Whenever any sum or sums of money payable by any person or persons named in such tax list shall not be paid by such person or persons, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustee or trustees may sue for and recover the same in their name of office.

§86 The collector shall keep in his possession all moneys received or collected by him by virtue of any warrant, or received by him from the county treasurer or board of supervisors for taxes returned as unpaid, or moneys apportioned by the state or raised by direct taxation for teachers wages or library, to be by him paid out upon the written order of a majority of the trustees; said collector, when a treasurer shall have been elected in his district, shall pay over the moneys collected by him by virtue of his warrant, to said treasurer as hereinbefore provided in this title; and he shall report in writing, at the annual meeting, all his collections, receipts and disbursements, and shall report to the supervisor on or before the first Tuesday in March in each year the amounts of school moneys in his hands not paid out on trustees orders, and shall pay over to his successor in office, when he has duly qualified and given bail, all moneys in his hands belonging to the district.

§87 If by the neglect of any collector any moneys shall be lost to any school district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to such district the amount of the moneys thus lost, and shall account for and pay over the same to the trustees of such district, in the same manner as if they had been collected.

Amendment
or correction
of tax lists

Suits for
recovery of
taxes

Custody of
moneys

Payment over
of moneys to
treasurer

Reports of
receipts and
disbursements

Payment over
of moneys to
successor

Collector to
make up loss

TITLE 8

Recovery of
money on
collectors
bond etc.

§88 For the recovery of all such forfeitures, and of all balances in the hands of the collector, which he shall have neglected or refused to pay to his successor, or to the treasurer of such district, the trustees, in their name of office, shall have their remedy upon the official bond of the collector, or any action and any remedy given by law; and they shall apply all such moneys, when recovered, in the same manner as if paid without suit.

Delivery and
filing of tax
list and
warrant

§89 Within 15 days after any tax list and warrant shall have been returned by a collector to the trustees of any school district, the trustees shall deliver the same to the town clerk of the town in which the collector resides, and said town clerk shall file the same in his office.

TITLE VIII

Union free schools, how established, who are voters at meetings and their powers; election and terms of office of members of board of education, and powers of such board

ARTICLE I

Of the proceedings for the establishment of union free schools, powers of voters at meetings; classification of terms of office and election of members of boards of education; certified copies of proceedings of meetings to be filed; board of education to elect a president and appoint a treasurer and collector

¹§1 Whenever 15 persons entitled to vote at any meeting of the inhabitants of any school district in the state, sign a request for a meeting, to be held for the purpose of determining whether a union free school shall be established therein in conformity with the provisions of this title, it shall be the duty of the trustees of such district, within 10 days after such request shall have been presented to them, to give public notice that a meeting of the inhabitants of such district, entitled to vote thereat, will be held for such purpose as aforesaid, at the schoolhouse, or other more suitable place, in such district, on a day and at an hour in such notice to be specified, not less than 20 nor more than 30 days after the publication of such notice. If the trustees shall refuse to give such notice, or shall neglect to give the same for 20 days, the Superintendent of Public Instruction may authorize and direct any inhabitant of said district to give the same. The qualifications of the inhabitants, entitled to vote at such meeting, shall be sufficiently set forth in the notice aforesaid.

§2 Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a

Call for a
special meet-
ing to form
district

Notice of
meeting

Superintend-
ent may order
meeting

Qualifications
of voters

Notices, how
given in vil-
lage districts

¹As amended by section 9, chapter 264, laws of 1896.

daily or weekly newspaper, the notice aforesaid shall be given by posting at least five copies thereof, severally, in various conspicuous places in said district, at least 20 days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto,^{In other districts} the trustees of such district shall authorize and require any taxable inhabitant of the same, to notify every other inhabitant (qualified to vote as aforesaid), of such meeting, to be called as aforesaid, who shall give such notification by reading said notice in his or her hearing, or in case of his or her absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his or her abode at least 20 days prior to the time of such meeting; but the proceedings of any meeting held pursuant to sections 1 and 2 of this title, shall not be held illegal for want of a due notice to all the persons qualified to vote thereat; unless it shall appear that the omission to give such notice was wilful and fraudulent.^{Legality of proceedings}

¹§3 The reasonable expense of such notices, and of their publication and service, shall be chargeable upon the district, in case a union free school is established by the meeting so convened, to be levied and collected by the trustees, as in case of taxes now levied for school purposes; but in the event that such union free school shall not be established, then the said expense shall be chargeable upon the inhabitants signing the request jointly and severally, to be sued for, if necessary, in any court having jurisdiction of the same.

²§4 Whenever 15 persons, entitled as aforesaid, from each of two or more adjoining districts, shall unite in a request for a meeting of the inhabitants of such districts, to determine whether such districts shall be consolidated by the establishment of a union free school therefor and therein, it shall be the duty of the trustees of such districts, or a majority of them, to give like public notice of such meeting, at some convenient place within such districts and as central as may be, within the time, and to be published and served in the manner set forth in the first and second sections of this title, in each of such districts. The reasonable expenses of preparing, publishing and serving such notices shall be chargeable upon the union free school district, and be collected by tax, if a union

¹As amended by section 10, chapter 264, laws of 1806.

²As amended by section 11, chapter 264, laws of 1806.

TITLE 8

Superintendent may order meeting

Proceedings of meetings to form union free school district

Election of trustees

Terms of trustees

Board of education

free school shall be established pursuant to such request, but otherwise the signers of the request shall be jointly and severally liable for such expense. The Superintendent of Public Instruction may order such meeting under the conditions and in the manner prescribed in the first section of this title.

¹§ 5 Any such meeting held pursuant to the foregoing provisions shall be organized by the election of a chairman and secretary, and may be adjourned from time to time, by a majority vote, provided that such adjournment shall not be for a longer period than 10 days; and whenever at any such meeting duly called and held under the provisions of sections 1 and 2 of this title at least 15 qualified voters of the district shall be present, or at such meeting duly called and held under the provisions of section 4 of this title, at least 15 qualified voters of each of the two or more adjoining districts joining in the request, shall be present, such meeting may, by the affirmative vote of a majority present and voting, adopt a resolution to establish a union free school in said district, or to consolidate the two or more adjoining districts by establishing a union free school in said districts pursuant to the notice of said meeting. If said meeting shall determine to establish a union free school in said district or districts as aforesaid, it shall be lawful for such meeting thereafter to proceed to the election by ballot, of not less than three nor more than nine trustees, who shall, by the order of such meeting, be divided into three several classes, the first to hold until one, the second until two, and the third until three years from the first Tuesday of August next following, except as in the next section provided. Thereafter there shall be elected in all union free school districts whose limits do not correspond with those of an incorporated village or city, at the annual meeting of said districts, trustees of said districts, to supply the places of those whose term of office, by the classification aforesaid, are about to expire. The trustees, so as aforesaid elected, shall enter at once upon their offices, and the office of any existing trustee or trustees in such district or districts, before the establishment of a union free school therein, shall cease, except for the purposes stated in section 12 of title 6 of this act. Neither a school commissioner nor a supervisor is eligible to be a member of any board of education, and the acceptance of either of said offices by a member of said board vacates his office as such member. The said trustees and their successors in office shall constitute the board of education of and for the union free school district for which they are elected, and the designation

¹As amended by section 12, chapter 264, laws of 1896.

of such district as union free school district number of the town ^{Designation of district} of shall be made by the school commissioner having jurisdiction of the district; and the said board shall have the name and style of the board of education of (adding the designation aforesaid); copies of said request, notice of meeting, order of the Superintendent directing some inhabitant to call said meeting, if any, ^{Proceedings, how certified and deposited} and minutes of said meeting or meetings duly certified by the chairman and secretary thereof, shall be by them, or either of them, transmitted and deposited, one to and with the town clerk, one to and with the school commissioner in whose jurisdiction said districts are located, and one to and with the Superintendent of Public Instruction; but when at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative, as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year ^{Dissolution of district, restricted} thereafter. And when any such meeting shall have established a union free school in said district or districts, such union free school district shall not be dissolved within the period of one year from the first Tuesday of August next after such meeting.

¹§6 Whenever said board of education shall be constituted for ^{Trustees of districts same as city or village, terms of} any district or districts whose limits correspond with those of any ^{village, terms of} incorporated village or city, the trustees so elected shall, by the order of such meeting, be divided into three several classes: The first class to serve until one; the second, until two; and the third, until three years after the day of the next charter election in such village or city, and their regular term of service shall be computed from the several days of such charter elections. And thereafter, ^{Annual election} there shall be annually elected in such village and cities, at the charter elections, by separate ballot, to be endorsed "school trustee," in the same manner as the charter officers thereof, trustees of the said union free schools, to supply the places of those whose terms by the classification aforesaid are about to expire.

¹ The number of members of the board of education of a union free school district whose limits correspond with an incorporated ^{Number of members may be increased or decreased} village or city, may be increased to not more than nine or decreased to not less than three in the following manner: The board of education of such union free school district, shall, upon the application of at least 15 resident taxpayers of such district, submit to a special meeting, held at least 30 days prior to the annual charter election, in such village or city a proposition for the increase

¹Amended by chapter 489, laws of 1903.

TITLE 8

or decrease of the number of members of the board of education to a number specified in the proposition. Such special meeting shall be called and held in the manner prescribed by this act. If such proposition is adopted and it is determined thereby to increase the number of members of the board of education of such district, there shall be elected at the next ensuing annual village or city election, a sufficient number of members of the board of education so that the total number of members of the board will be the number specified in such proposition. Such additional members shall be elected for such terms so that as nearly as possible the terms of one third of the members of such board will expire annually. Successors to such additional members shall be elected in like manner. If such proposition is adopted and it is determined thereby to decrease the number of the board of education in such district, no members of the board of education of such district shall thereafter be elected until by expiration of term the number of members of the board of education will be less than the number specified in such proposition; and thereafter the number of members of the board of education of such district shall be the number specified in such proposition. Not more than one proposition under this section shall be submitted in any calendar year.

Board, a corporation

¹§7 The said boards of education are hereby severally created bodies corporate, and each shall, at its first meeting, and at each annual meeting thereafter, elect one of their members president.

President

In every union free school district other than those whose limits correspond with those of an incorporate city or village the board of education shall have power to appoint one of their number, or

Clerk of board and district, appointment of, etc.

a qualified voter in said district, and a person other than a trustee, or a teacher employed in said district, as clerk of the board of education of such district. Such clerk shall also act as clerk of said district, and shall perform all the clerical and other duties pertaining to his office, and for his services he shall be entitled to receive such compensation as shall be fixed at an annual meeting of the qualified voters of such district. In case no provision is made at an annual meeting of the inhabitants for the compensation of a clerk, then and in that case the board of education shall have power to fix the same. Said board of education shall

Treasurer and collector

also have power to appoint one of the taxable inhabitants of their district treasurer, and fix his compensation, and another collector of the moneys to be raised within the same for school purposes,

¹As amended by section 1, chapter 466, laws of 1897.

who shall severally hold such appointments during the pleasure of the board. Such treasurer and collector shall each, and within 10 days after notice in writing of his appointment, duly served upon him, and before entering upon the duties of his office, execute and deliver to the said board of education a bond, with such sufficient penalties and sureties as the board may require, conditioned for the faithful discharge of the duties of his office, and in case such bond shall not be given within the time specified, Vacancies such office shall thereby become vacant, and said board shall thereupon, by appointment, supply such vacancy. And said board of education shall also have power to supply, by appointment, any vacancy in the office of such clerk, occasioned by death, resignation, removal from the district or otherwise.

ARTICLE 2

Of the qualifications of voters in union free school districts, and of meetings of such voters and their powers

¹§8 Every person of full age, residing in any union free school district, and who has resided therein for a period of 30 days next preceding any annual or special meeting held therein, and a citizen of the United States, who owns, or hires, or is in the possession under a contract of purchase, of real property in such school district liable to taxation for school purposes; and every such resident of such district who is a citizen of the United States of 21 years of age, and is the parent of a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such person not being the parent, who shall have permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such school meeting; and every such resident and citizen as aforesaid, who owns any personal property assessed on the last preceding assessment roll of the town, exceeding \$50 in value exclusive of such as is exempt from execution, and no other, shall be entitled to vote at any school meeting held in said district, under and pursuant to the provisions of this title. No person shall be deemed to be ineligible to vote at any such school district meeting by reason of sex, who has one or more of the qualifications required by this section. No person shall be eligible to hold any school district office in any union free school district unless he or she is a qualified voter in

Bonds of
treasurers
and collectors

Eligibility
to office

¹As amended by section 14, chapter 264, laws of 1896.

TITLE 8

Levy of tax
for school
purposes by
village and city
authorities

Statements
of anticipated
expenditures

Sums not to be
withheld

Raising of
additional
moneys

Tax for
moneys voted

Notice of
required tax
for school
buildings,
sites etc.

such district, and is able to read and write. Not more than one member of a family shall be a member of the same board of education in any school district.

§ 9 The corporate authorities of any incorporated village or city, in which any such union free school shall be established, shall have power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal property in said city or village, as by law provided for the defraying of the expenses of its municipal government, such sum or sums as the board of education established therein shall declare necessary for teachers wages and the ordinary contingent expenses of supporting the schools of said district. The sums so declared necessary shall be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of anticipated expenditure, and the amount necessary for each; and the said corporate authorities shall have no power

to withhold the sums so declared to be necessary; and such corporate authorities as aforesaid shall have power, and it shall be their duty to raise, from time to time, by tax as aforesaid, any such further sum or sums to be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of the proposed expenditure, and the amount necessary for each which may have been or which may hereafter be authorized by a majority of the voters of such union free school district present and voting at any special district meeting duly convened, for making additions, alterations, or improvements to or on the sites or structures belonging to the district, or for the purchase of other sites or structures, or for a change of sites, or for the erection of new buildings, or for buying apparatus or fixtures, or for such other purpose relating to the support and welfare of the school as they may, by resolution, approve; and they may direct the moneys so voted to be levied in one sum, or by instalments, but no addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any schoolhouse, or for building any new schoolhouse, or for the erection of an addition to any schoolhouse already built, shall be voted at any such meeting unless a notice by the board of education stating that such tax will be proposed, and specifying the amount and object thereof shall have been published once in each week for the four weeks next preceding such district meeting, in two newspapers, if there shall be two, or in one newspaper if there

shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted up in at least 20 of the most public places in said district 20 days before the time of such meeting. No vote to raise money shall be rescinded, nor the amount thereof be reduced at any subsequent meeting, unless the same be done within 10 days after the same shall have been first voted. For the purpose of giving effect to these provisions, the corporate authorities are hereby authorized, whenever a tax shall have been voted to be collected in installments for the purpose of building a new schoolhouse, or building an addition to a schoolhouse, or making additions, alterations or improvements to buildings or structures belonging to the district, or for the purchase of a new site, or for an addition to a site, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding 6 per cent, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par. Said bonds or other evidences of indebtedness shall be prepared by the board of education, signed by the president and secretary thereof, and delivered to the treasurer of the incorporated village or city, who shall countersign the same, and give due notice of the time and place of the sale of such bonds, at least 10 days prior thereto, by publication twice in two newspapers, if there shall be two, or in one newspaper, if there shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted up in at least 10 of the most public places in said district 10 days before the day of sale. The proceeds of the sale of said bonds shall be paid into the treasury of said incorporated village or city, to the credit of the board of education of such district.

¹§10 A majority of the voters of any union free school district other than those whose limits correspond with an incorporated city or village, present at any annual or special district meeting, duly convened, may authorize such acts and vote such taxes as they shall deem expedient for making additions, alterations or improvements to or in the sites or structures belonging to the district, or for the purchase of other sites or structures, or for a change of sites, or for the erection of new buildings, or for buying apparatus, or fixtures, or for paying the wages of teachers and the necessary expenses of the school, or for such other purpose relating to the support and welfare of the school as they may, by resolution,

¹As amended by section 15, chapter 264, laws of 1896.

Rescinding
vote or re-
duction of
amount

Power to
borrow money

Issue of
bonds or
certificates

TITLE 8

Designation
of sites

Vote on ex-
penditure of
money or tax

Tax for
sums voted

Notice of
proposed tax
for school
buildings,
sites etc.

Collection of
tax

Rescinding
vote, or
reduction of
amount voted

Power to
borrow money

approve; the designation of a site or sites by the district meeting shall be by written resolution containing a description thereof by metes and bounds, and such resolution must receive the assent of a majority of the qualified voters present and voting at said meeting, to be ascertained by taking and recording the ayes and noes. On all propositions arising at said meetings involving the expenditure of money, or authorizing the levy of a tax or taxes in one sum or by instalments, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such meetings; and they may direct the moneys so voted to be levied in one sum, or by instalments, but no addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any schoolhouse, or for building any new schoolhouse, or for the erection of an addition to any schoolhouse already built, shall be voted at any such meeting unless a notice by the board of education stating that such tax will be proposed, and specifying the amount and object thereof, shall have been published once in each week for the four weeks next preceding such district meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least 20 of the most public places in said district 20 days before the time of such meeting. And whenever a tax for any of the objects hereinbefore specified shall be legally voted the boards of education shall make out their tax list, and attach their warrant thereto, in the manner provided in article 7 of title 7 of this act, for the collection of school district taxes, and shall cause such taxes or such instalments to be collected at such times as they shall become due. No vote to raise money shall be rescinded, nor the amount thereof be reduced at any subsequent meeting, unless it be an adjourned meeting or a meeting called by regular and legal notice, which shall specify the proposed action, and at which the vote upon said proposed reduction or rescinding shall be taken by ballot or by taking and recording the ayes and noes of the qualified voters attending and voting thereat. For the purpose of giving effect to these provisions, trustees or boards of education are hereby authorized, whenever a tax shall have been voted to be collected in instalments for the purpose of building a new schoolhouse or building an addition to a schoolhouse, or making additions, alterations or improvements to buildings or structures belonging to the district, or for the purchase of a new site or for

an addition to a site, to borrow so much of the sum voted as may be necessary at a rate of interest not exceeding 6 per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par; due notice of the time and place of the sale of such bonds shall be given by the board of education at least 10 days prior thereto by publication twice in two newspapers, if there be two, or in one newspaper if there be but one published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least 10 of the most public places in said district 10 days before the sale. It shall be the duty of the trustees or the persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

§ 11 All moneys required to pay teachers wages in a union free school or in the academical department thereof, after the due application of the school moneys thereto, shall be raised by tax.

§ 12 Every union free school district shall, for all the purposes of the apportionment and distribution of school moneys, be regarded and recognized as a school district.

ARTICLE 3

Of annual and special meetings, and of election of members of boards of education and clerks in districts where the number of children exceeds 300.

§ 13 1 In union free school districts other than those whose limits correspond with those of any incorporated village or city, the annual school meeting shall be held on the first Tuesday of August. The boards of education shall have power to call special meeting of the inhabitants of their respective districts whenever they shall deem it necessary and proper, in the manner prescribed in section 10 of this title, and shall in like manner give notice of the time and place of holding the annual school district meeting. The proceedings of any special meeting shall not be held to be illegal for want of a due notice to all persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The annual meeting of the board of education of every such union free school district shall be held on the Tuesday next after the annual school district meeting therein.

Annual and
special meet-
ings in union
free school
districts

Annual
meeting of
board of
education
therein

TITLE 8

Annual and
special meet-
ings in dis-
tricts same as
city or village

Annual
meeting of
board of
education
therein

Tax may be
voted for free
textbooks

Election of
board and
clerk in
districts
over 300

Time of hold-
ing election

² In union free school districts whose limits correspond with those of any incorporated village or city, the boards of education shall have power to call special meetings of the inhabitants of their respective districts for the purposes mentioned in section 9 of this title, in the manner prescribed in said section 9. The proceedings of any special meeting shall not be held to be illegal for want of due notice to all persons qualified to vote thereat unless it shall appear that the omission to give such notice was wilful and fraudulent. The annual meeting of the board of education of every such union free school district shall be held on the Tuesday next after the canvass and declaration of the election of the members of said board at the annual charter election of the village or city.

¹3 The qualified voters of any union free school district present at any annual school meeting therein, for which a notice has been duly given that the vote hereinafter mentioned will be taken, or at any special school meeting therein, duly and legally called for that purpose, shall have power, by a majority vote, to be ascertained by taking and recording the ayes and noes, to vote a tax for the purchase of all textbooks used, or to be used, in the schools of the district. If such tax shall be voted it shall be the duty of the board of education of such district, within 90 days thereafter, to purchase and furnish free textbooks to all the pupils attending the schools in such district. Such board of education shall have power to establish such rules and regulations concerning the use by the pupils of such textbooks, and the care, preservation and custody thereof as it shall deem necessary.

²§ 14 In union free schools districts other than those whose limits correspond with those of an incorporated village or city, in which the number of children of school age exceeds 300, as shown by the last annual report of the board of education to the school commissioner, the qualified voters of any such district may by a vote of a majority of those present and voting, at any annual meeting, or at any duly called special meeting, to be ascertained by taking and recording the ayes and noes, determine that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held,

¹Added by section 1, chapter 195, laws of 1897.

²As amended by section 2, chapter 466, laws of 1897.

in each year, between the hours of 12 o'clock noon, and 4 o'clock in the afternoon at the principal schoolhouse in the district, or at such other suitable place as the trustees may designate. When the place of holding such election is other than at the principal schoolhouse, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from 4 o'clock until sunset. The board of education, or such of them as may be present, shall act as inspectors of election. If a majority of such board shall not be present at the time of opening the polls, those members of the board in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees; and if none of the board of education shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors. The district clerk, or the clerk of the board of education, as the case may be, shall attend at the election and record in a book to be provided for that purpose, the name of each elector as he or she deposits his or her ballot. If such district clerk, or clerk of the board of education shall be absent, or shall be unable or refuse to act, the board of education or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of \$25, to be sued for by the supervisor of the town. If any person offering to vote at any such election shall be challenged as unqualified by any legal voter, the chairman of the inspectors shall require the person so offering to vote to make the following declaration: "I do declare and affirm that I am and have been for the 30 days last past an actual resident of this school district, and that I am legally qualified to vote at this election." And every person making such declaration shall be permitted to vote; but if any person shall refuse to make such declaration his or her ballot shall not be received by the inspectors. Any person who upon being so challenged shall wilfully make a false declaration of his etc. or her right to vote at such election, is guilty of a misdemeanor. Any person who shall vote at such election, not being duly qualified, shall, though not challenged, forfeit the sum of \$10, to be sued for by the supervisor of the town for the benefit of the school or schools of the district. The board of education shall, at the ex-Ballot box

Notice of election
Extension of time
Inspectors of election
Record of votes
Penalty for refusal to receive names
Challenges
Declarations thereupon
Penalty for illegal voting, etc.

TITLE 8

Ballots

Canvass of
votes and
declaration
of resultsSpecial
electionTerms of offi-
cers elected
thereatElection dis-
putes, how
settledLimitation of
foregoing
provisions

pense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each one is voted. The ballots may be either written or printed, or partly written and partly printed. The inspectors immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk, and if they exceed that number, enough ballots shall be withdrawn to make them correspond. Such inspectors shall count the votes and announce the result. The person or persons having a majority of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. Whenever the time for holding such election as aforesaid shall pass without such election being held in any such district, a special election shall be called by the board of education, but if no such election be called by said board within 20 days after such time shall have passed, the school commissioner or the State Superintendent of Public Instruction may order any inhabitant of said district to give notice of such election in the manner prescribed by section 10 of this title; and the officers elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified as in this act provided. All disputes concerning the validity of any such election, or of any votes cast thereat, or of any of the acts of the inspectors or clerks, shall be referred to the Superintendent of Public Instruction, whose decision in the matter shall be final. Such Superintendent may, in his discretion, order a new election in any district. The foregoing provisions shall not apply to union free school districts in cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the Legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in union free school districts, organized under the general law, nor to any of the union free school districts in the counties of Richmond, Suffolk, Chenango, Warren, Erie and St Lawrence. In Richmond county, whenever any district shall have determined to hold its annual election on Wednesday following the date of its annual school meeting, the same shall be held between the hours of 4 o'clock and 9 o'clock in the evening.

ARTICLE 4

Of the powers and duties of boards of education

§15 The said board of education of every union free school district shall severally have power, and it shall be their duty:

1 To adopt such bylaws and rules for its government as shall seem proper in the discharge of the duties required under the provisions of this act.

2 To establish such rules and regulations concerning the order and discipline of the school or schools, in the several departments thereof, as they may deem necessary to secure the best educational results.

3 To prescribe the course of study by which the pupils of the school or schools shall be graded and classified, and to regulate the admission of pupils and their transfer from one class or department to another, as their scholarship shall warrant.

4 To prescribe the textbooks to be used in the schools, and to compel a uniformity in the use of the same, pursuant to the provisions of this act, and to furnish the same to pupils out of any moneys provided for that purpose.

5 To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

6 To purchase a site or sites, or an addition to a site or sites, for a schoolhouse or schoolhouses for the district, as designated by a meeting of the district; and to construct such schoolhouse or houses, and additions thereto as may be so designated; to purchase furniture and apparatus for such schoolhouse or houses; to keep such schoolhouse or houses and the furniture and apparatus therein in repair; to hire any room or rooms in which to maintain and conduct schools when the rooms in the schoolhouse or houses are overcrowded, or when such schoolhouse or houses are destroyed, injured or damaged by the elements, and to fit up and furnish such room or rooms in a suitable manner for conducting a school or schools therein; to insure the schoolhouse or houses and their furniture, apparatus and appendages, and the school library, in some company or companies created by or under the laws of this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax. No schoolhouse shall be built in any union free school district until the plan for the ventilation and heating and lighting of such schoolhouse shall be approved in writing by the school commissioner of the commissioner district in which such schoolhouse is to be built.

TITLE 8

Custody of property

Title vested in board

Sale of property

Application of proceeds

Exchange of real estate

May take and hold real estate etc.

Control of schools

Establishment of academical department

Nonresident pupils

Fuel, apparatus etc.

Librarian

Employment of teachers

7 To take charge and possession of the schoolhouses, sites, lots, furniture, books, apparatus, and all school property within their respective districts; and the title of the same shall be vested respectively in said board of education, and the same shall not be subject to taxation for any purpose.

8 To sell, when thereto authorized by a vote of the qualified voters of the school district, any former school site or lot, or any real estate the title to which is vested in the board, and the buildings thereon, and appurtenances or any part thereof, at such price and upon such terms as said voters shall prescribe, and to convey the same by deed to be executed by the board or a majority of the members thereof. All moneys arising from any such sale shall be used and applied for the benefit of the school district, as the voters thereof shall by resolution direct. Also to exchange real estate belonging to the district for the purpose of improving or changing schoolhouse sites.

9 To take and hold for the use of the said schools or of any department of the same, any real estate transferred to it by gift, grant, bequest or devise, or any gift, legacy, or annuity, of whatever kind, given or bequeathed to the said board and apply the same, or the interest or proceeds thereof, according to the instructions of the donor or testator.

10 To have, in all respects, the superintendence, management and control of said union free schools, and to establish in the same an academical department, whenever in their judgment the same is warranted by the demand for such instruction; to receive into said union free schools any pupils residing out of said district, and to regulate and establish the tuition fees of such nonresident pupils in the several departments of said schools; provided, that if such nonresident pupils, their parents or guardians shall be liable to be taxed for the support of said schools in the districts, or either of them, on account of owning property therein, the amount of any such tax paid by a nonresident pupil, his parent or guardian, shall be deducted from the charge of tuition; to provide fuel, furniture, apparatus and other necessaries for the use of said schools, and to appoint such librarians as they may from time to time deem necessary.

11 To contract with and employ such persons as by the provisions of this act are qualified teachers in the several departments of instruction in said school, and at the time of such employment shall make and deliver to each teacher, or cause to be made

¹As amended by section 16, chapter 264, laws of 1896.

and delivered, a contract in writing, signed by the members of said board, or by some person duly authorized by said board to represent them in the premises, in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time or times when such compensation shall be due and payable shall be clearly and definitely set forth. The pay of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment.

No person who is related by blood or marriage to any member of a board of education shall be employed as a teacher by such board, except upon the consent in writing of two thirds of the members thereof, to be entered upon the proceedings of the board. No teacher shall be removed during a term of employment unless for neglect of duty, incapacity to teach, immoral conduct, or other sufficient cause. Also to pay the wages of such teacher out of the moneys appropriated for that purpose.

12 To fill any vacancy which may occur in said board by reason of the death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of said board; and the person so appointed in the place of any such member of the board shall hold his office until the next election of trustees, as by this act provided. In case of the failure of such board to fill such vacancy, and in case no special election is ordered for filling the same for a period of 30 days, the same may be filled by the school commissioner having jurisdiction. The Superintendent of Public Instruction may order a special election to be held in any district for the purpose of filling such vacancy, and when such special election is ordered the vacancy shall not be filled otherwise.

13 To remove any member of their board for official misconduct. But a written copy of all charges made of such misconduct shall be served upon him at least 10 days before the time appointed for a hearing of the same; and he shall be allowed a full and fair opportunity to refute such charges before removal.

14 To provide suitable and convenient water-closets or privies for each of the schools under their charge, at least two in number, which shall be entirely separated each from the other and having separate means of access, and the approaches thereto shall be separated by a substantial close fence not less than 7 feet in height; to keep the same in a clean and wholesome condition, and a failure to comply with the foregoing provisions on the part of said board shall be sufficient grounds for removal from office, and for withholding from

Contract of employment

Teachers wages, when due

Employment of relatives of board

Removal of teachers

Filling vacancies

Superintendent may order special election

Removal of member for cause

Water-closets or privies

TITLE 8

Expense
thereof

the district any share of the public moneys of the state. Any expense incurred by said board in carrying out the foregoing provisions shall be a charge upon the district; and a tax may be levied therefor without a vote of the district.

Stairways on
outside of
buildings

¹⁵ To cause proper stairways to be constructed and maintained on all school buildings under their charge which are more than two stories high, on the outside thereof, with suitable doorways leading thereto from each story above the first, for use in case of fire. The reasonable and proper cost thereof shall, in each case, be a legal charge upon the city, village or district, and shall be raised by tax as other moneys are raised for school purposes.

Tax for cost
thereof

¹⁶ To designate a site or sites, or an addition to a site or sites, for a schoolhouse or schoolhouses, in a district containing a population of 5000 or more, without a vote of the qualified voters of said district as required in section 10 of this title.

May borrow
money in
anticipation
of taxes un-
collected

¹⁶ To borrow money in anticipation of taxes remaining uncollected which have been levied by such district for the current fiscal year, and not in excess thereof, whenever in the discretion of the board of education it shall be necessary to do so for the purpose of paying the current expenses of the district for such current fiscal year, by issuing a certificate or certificates of indebtedness, in the name of the board of education, signed by the president and clerk thereof, which certificates must be payable within such current fiscal year or within nine months thereafter, and shall bear interest at a rate not exceeding 6 per centum per annum.

General powers
and duties

^{§16} The board of education shall possess all the powers and privileges, and be subject to all the duties in respect to the common schools, or the common school departments in any union free school in said districts, which the trustees of common schools possess or are subject to under this act, not specially provided for in this title, and not inconsistent with the provisions of this title; and to enjoy, whenever an academic department shall be by them established, all the immunities and privileges now enjoyed by the trustees of academies in this state.

Superintend-
ent of schools
in certain
districts

^{§17} In any incorporated village having a population of 5000 and upwards, or in any union free school district having a like population, which fact shall in either case be determined by the State Superintendent of Public Instruction, as provided in section 5 of title 2 of this act, the board of education in any such village or union free school district may appoint a superintendent of schools. Such superintendent shall be under the direction of the

¹Added by chapter 112, laws of 1903.

²Added by chapter 233, laws of 1903.

Census

board of education, which shall prescribe his powers and duties. He shall be paid a salary from the teachers fund, to be fixed by the board of education, and he may be removed from office by a vote of the majority of all the members of such board. Whenever such superintendent shall be appointed, the said union free school district shall be entitled to the benefits of the provisions of section 5 of title 2 of this act.

§18 It shall be the duty of said board to keep an accurate record of all its proceedings in books provided for that purpose, which books shall be open for public inspection at all reasonable hours. It shall be the duty of said board to cause to be published once in each year, and 20 days next before the annual meeting of the district, in at least one public newspaper, printed in such district, a full and detailed account of all moneys received by the board or the treasurer of said district, for its account and use, and of all the money expended therefore, giving the items of expenditure in full; should there be no paper published in said district said board shall publish such account by notice to the taxpayers, by posting copies thereof in five public places in said district. No member of said board shall be personally interested in any contract made by said board. It shall be the duty of the board, at the annual meeting of the district, besides any other report or statement required by law, to present a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, exclusive of the public moneys, specifying the several purposes for which it will be required, and the amount for each, but nothing in this section contained shall be construed to prevent the board from presenting such statement at any special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§19 After the presentation of such statement, the question shall be taken upon voting the necessary taxes to meet the estimated expenditures, and when demanded by any voter present, the question shall be taken upon each item separately, and the inhabitants may increase the amount of any estimated expenditures or reduce the same, except for teachers wages, and the ordinary contingent expenses of the school or schools.

§20 If the inhabitants shall neglect or refuse to vote the sum or sums estimated necessary for teachers wages, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum or sums estimated necessary for ordinary contingent expenses, the board of education may levy a tax for the

Record of
proceedings

Publication of
accounts of
receipts and
expenditures

Interest in
contracts
prohibited

Report of
estimates of
expenses to
annual meet-
ing

Voting
thereon by
inhabitants

Board may
levy tax
without vote

TITLE 8

same, in like manner as if the same had been voted by the inhabitants.

Ordinary contingent expenses, settlement of disputes as to

§ 21 If any question shall arise as to what are ordinary contingent expenses the same may be referred to the Superintendent of Public Instruction, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the Superintendent shall be conclusive.

Regular meetings of board

§ 22 It shall be the duty of each of the said boards of education, elected pursuant to the provisions of this title, to have a regular meeting at least once in each quarter, and at such meetings to appoint one or more committees, to visit every school or department under the supervision of said board, and such committees shall visit all said schools at least twice in each quarter, and report at the next regular meeting of the board on the condition thereof. The meetings of all such boards shall be open to the public, but said boards may hold executive sessions, at which sessions only the members of such boards or the persons invited, shall be present.

Visitation of schools

Reports

Executive sessions

Expenditures and contracts

Application of moneys

Money to be paid into city or village treasury

Security for custody thereof

Payments, how made

§ 23 It shall also be the duty of said boards, respectively, to have reference in all their expenditures and contracts to the amount of moneys which shall be appropriated, or subject to their order or drafts, during the current year, and not to exceed that amount. And said board shall severally apply all the moneys apportioned to the common school districts under their charge, to the departments below the academical; and all moneys from the literature fund or otherwise, appropriated for the support of the academical department, to the latter departments.

§ 24 All moneys raised for the use of the union free schools in any city or incorporated village, or apportioned to the same from the income of the literature, common school or United States deposit funds, or otherwise, shall be paid into the treasury of such city or village to the credit of the board of education therein; and the funds so received into such treasury shall be kept separate and distinct from any other funds received into the said treasury. And the officer having the charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of such city or village shall require. No money shall be drawn from such funds, credited to the several boards of education, unless in pursuance of a resolution or resolutions of said board, and on drafts drawn by the president and countersigned by the secretary or clerk, payable to the order of the person or persons entitled to receive such moneys, and stating on their face the purpose or service for which such moneys have been authorized to be paid by the said board of education.

§25 All moneys raised for the use of said union free schools, other than those whose limits correspond with those of any cities and incorporated villages; or apportioned from the income of the literature or common school or United States deposit funds, or otherwise shall be paid to the respective treasurers of the said several boards of education entitled to receive the same, and be by them applied to the uses of said several boards, who shall annually render their accounts of all moneys received and expended by them for the use of said schools, with every voucher for the same, and certified copies of all orders of the said boards touching the same, to the school commissioner of the district in which the principal schoolhouse of the district is located. No money shall be drawn from such funds in possession of such treasurer, unless in pursuance of a resolution or resolutions of said board, and on drafts drawn by the president and countersigned by the clerk, or secretary, payable to the order of the person or persons entitled to receive such money, and stating on their face the purpose or service for which said moneys have been authorized to be paid by the said board of education.

§26 Every academic department, established as aforesaid, shall be under the visitation of the Regents of the University, and shall be subject, in its course of education and matters pertaining thereto (but not in reference to the buildings in which the same is conducted), to all the regulations made in regard to academies by the said Regents. In such departments the qualifications for the entrance of any pupil shall be as high as those established by the said Regents for participation in the literature fund of any academy of the state under their supervision.

§27 Whenever a union free school shall be established under the provisions of this title, and there shall exist within its district an academy, the board of education, if thereto authorized by a vote of the voters of the district, may adopt such academy as the academic department of the district, with the consent of the trustees of the academy, and thereupon the trustees, by a resolution to be attested by the signatures of the officers of the board and filed in the office of the clerk of the county, shall declare their offices vacant, and thereafter the said academy shall be the academic department of such union free school. The board of education when thereto authorized by a vote of the qualified voters of the district may lease said academy and site, and maintain the academic department of such union free school therein and thereon.

Payments of
moneys to
treasurers
of boards

Annual
accounting
of treasurers

Moneys, how
drawn out

Academic
department
subject to
Regents

Qualifications
for entrance
of pupils

Adoption of
existing
academies

Lease of
academies
by board

TITLE 8

¹§27a The board of education of a union free school district, with the approval of the Superintendent of Public Instruction, and Regents of the University, may adopt an academy as the academic department thereof, and contract for the instruction therein of pupils of academic grade, residing in the district. The academy thereupon becomes the academic department of such union free school, and the district is entitled to the same rights and privileges, is subject to the same duties, and the apportionment and distribution of state school money shall be made to it, as if an academic department had been established in such school.

Visitation
and super-
vision of union
schools by
Super-
intendent

Annual reports
of board of
education

Special
reports

Removal of
members of
board

§28 Every union free school district, in all its departments, shall be subject to the visitation of the Superintendent of Public Instruction. He is charged with the general supervision of its board of education and their management and conduct of all its departments of instruction. And every board of education shall annually, on the first day of August, in each year, make to the commissioner having jurisdiction, and deposit in the town clerk's office, a report for the school year ending July 31st preceding, of all matters concerning which trustees of a school district are required to report, under this act, and concerning all such other matters as the Superintendent shall, from time to time, require; and shall also whenever thereto required by the Superintendent of Public Instruction, report fully to him upon any particular matter; and such report shall be in such form, and so authenticated, as the Superintendent shall, from time to time, require.

§29 For cause shown, and after giving notice of the charge and opportunity of defense, the Superintendent of Public Instruction may remove any member of a board of education. Wilful disobedience of any lawful requirement of the Superintendent, or a want of due diligence in obeying such requirement or wilful violation or neglect of duty is cause for removal.

ARTICLE 5

Of the alteration of union free school districts, the increase or diminution of number of members of boards of education, and of dissolution of union free school districts

Dissolution
of common
school dis-
tricts upon
consent

§30 Whenever one or more common school districts shall adjoin any union free school district whose limits do not correspond with those of an incorporated village or city, upon the written consent of the trustees of all the districts to be affected, the school

¹Added by chapter 325, laws of 1902.

²As amended by section 1, chapter 540, laws of 1899, and by section 1 of chapter 258 of the laws of 1905.

commissioner having jurisdiction may dissolve such common school district or districts and annex the territory of such district or districts so dissolved to such union free school district, and the school commissioner having jurisdiction may alter any union free school district whose limits do not correspond with those of any incorporated village or city, in the manner provided by title 6 of this act, but no such district shall be divided, upon which there is an outstanding bonded indebtedness. Such school commissioner on the written consent of the boards of education of the districts affected may also dissolve a union free school district when it adjoins another union free school district and both of such union free school districts are wholly located within the limits of a city or an incorporated village and annex the territory of such dissolved district to the remaining union free school district. The bonded indebtedness of each of such districts shall, upon such dissolution and annexation, become a charge upon the enlarged district thus formed. Such district shall succeed to all the rights of property possessed by the annulled district. The board of education of such district shall raise by tax an amount sufficient to pay any of the bonds and interest thereon of such district as the same shall become due.

<sup>Annexation
of territory
to union
district</sup>
<sup>Alteration of
union district</sup>

<sup>Increase or
diminution of
members of
board of
education</sup>
<sup>Number
restricted</sup>

1§31 At any annual meeting held in any union free school district whose limits do not correspond with those of any incorporated village or city, the qualified voters may determine by a majority vote of such voters present and voting, to be ascertained by taking and recording the ayes and noes, to increase or diminish the number of members of the board of education of such district. If such board shall consist of less than nine members, and such meeting shall determine to increase the number, such meeting shall elect such additional number so determined upon, and, shall divide such number into three several classes, the first to hold office one year, the second two years and the third three years. If such meeting shall determine to diminish the number of such members composing said board, no election shall be held in such district to fill the vacancies of the outgoing member or members thereof, until the number of members shall correspond to the number which such meeting shall determine to compose such board. No board of education of such district shall consist of less than three nor more than nine members. No change shall be made in the number of trustees of any such school district unless notice is given by the board of education at the time and in the

¹As amended by section 1, chapter 463, laws of 1903.

TITLE 8

Special meeting for dissolution of union district

Meetings not to be held oftener than triennially

Proceedings upon favorable vote

Approval of proceedings

Division of dissolved district in certain cases

Transfer of academies to former trustees

same manner of giving notice of the annual school meeting that a vote will be taken upon the question of changing the number of trustees at such annual meeting.

§32 In any union free school district established under the laws of this state, and which shall have been established for the period of one year or more, it shall be the duty of the board of education, upon the application of 15 resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as a common school district or districts.

§33 Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held, and whenever at any such meeting called and held as aforesaid it shall be determined by a two thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the school commissioner of the commissioner district in which said union free school is situated, a certified copy of the call, notice and proceedings. If such school commissioner shall approve the proceedings of said meeting, he shall certify the same to the board of education. Such approval shall not take effect until the day preceding the first Tuesday of August next succeeding; but after that date such district shall cease to be a union free school district.

§34 If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for such school commissioner to order that its territory be divided into two or more districts, to correspond, so far as practicable, with the districts theretofore consolidated.

§35 If there shall be, in such dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title 9, chapter 555 of the laws of 1864, and any amendment thereof, or under this act shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

§36 Such school commissioner may make his approval of the proceeding of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other district or districts into which the said union free school district is divided, to such sum or sums of money as they may deem equitable.

§37 All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and it shall be paid over to the collectors or treasurers of such districts when they shall have been elected and have qualified according to law.

§38 The district or districts formed by the dissolution of such union free school district shall hold its or their annual meeting or meetings on the first Tuesday of August, next after the dissolution of such union free school district, and shall elect officers as now required by law.

§39 If such school commissioner shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

§40 Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by such school commissioner and shall have been certified by him to the board of education, it shall be the duty of the board of education of the district affected forthwith to notify the Superintendent of Public Instruction, and to furnish him copies of the call, notice, proceedings of the meeting, and the action taken by such school commissioner thereon.

§41 Any person or persons conceiving himself or themselves aggrieved by the action, proceedings or decision of any special meeting held under the provisions of this article, or by the order, decision, action or proceedings of any school commissioner under or pursuant to the provisions of this article, may appeal therefrom to the Superintendent of Public Instruction, who is hereby authorized and required to examine and decide the same; and his decision shall be final and conclusive.

§42 The provisions of this title shall apply to all union free schools heretofore organized pursuant to the provisions of chapter

¹As amended by section 1, chapter 427, laws of 1904.

Provisions applicable to schools heretofore organized

TITLE 9

433 of the laws of 1853, and the amendments thereof, and of chapter 555 of the laws of 1864, and the amendments thereof; and sections 9 and 10 of this title, are made applicable to all school districts established by and organized under special statutes, except those of cities; and subdivisions 16 and 17 of section 15, and section 17 of this title are made applicable to all school districts having a population of 5000 and upwards established by and organized under special statutes; and all acts or parts of acts inconsistent with and repugnant to said sections 9, 10 and 17 and said subdivisions 16 and 17 of section 15 of this title are hereby repealed. So much of section 7 of this title as relates to the election of a clerk shall not affect the towns of Cortland and White Plains in Westchester county.

TITLE IX

Acquisition of schoolhouse sites

Acquisition of lands for sites

¹§1 Land for the site of a schoolhouse in any school district, or additional land adjoining to and for the enlargement of an established site in any school district, may be acquired in cases where the owner or owners thereof, or some of them, shall not consent to sell the same for such purpose, or the trustee, trustees or board of education of the district can not agree with such owner or owners or some of them, upon the price or value thereof as real property for public use is taken under and pursuant to the laws of the state. The trustee or trustees or board of education of any such school district is or are hereby authorized and empowered to institute, carry on and complete the proceedings necessary for acquiring said land, and the title thereto, for and on behalf of such district. The method of procedure to acquire such land shall be that prescribed for the condemnation of real property for public use in title 1 of chapter 23 of the Code of Civil Procedure, and any amendment thereof, entitled "proceedings for the condemnation of real property," and known as the "condemnation law."

Method of procedure

Application of section

Lands, certain not to be taken

²§2 The provisions of the foregoing section shall not apply to cities of more than 30,000 inhabitants nor shall it be lawful under said section to acquire title to less than the whole of any city or village lot, with the erections thereon, if any, without the consent of such owner or owners; nor beyond the corporate limits of cities, to any garden or orchard, or any part thereof, nor to any part of any yard or inclosure necessary to the use and enjoyment of buildings, or any fixtures or erections for the purposes of trade or manufactures, without the consent of the owner or owners thereof.

¹As amended by section 1, chapter 480, laws of 1901.

²As amended by section 1, chapter 305, laws of 1904.

§3 Boards of education in cities of not more than 30,000 inhabitants are hereby clothed with all the powers of trustees and the title to any and all lands acquired in any city under the provisions of section 1 of this title, shall vest in the board of education thereof, or such other corporate body as is by law vested with the title to the school lands in such city. But nothing herein contained shall be construed to limit or circumscribe the powers and duties here-
Proviso
tofore lodged in such board of education by law.

§4 The provisions of section 1 of this title shall be extended and apply to the city of Brooklyn, and the board of education of that city is hereby clothed with all the powers of trustees under the provisions of this title, and the title to any and all lands acquired in said city under the provisions of this act shall vest in the board of education thereof. The proceedings mentioned in section 1 of this title may be authorized by a vote of said board of education and the petition may be signed by the officers of said board.

§5 The provisions of section 1 of this title shall apply to union free school districts and to districts organized under special laws; and the trustee or trustees of such districts, and the boards of education organized under special laws shall be and are hereby clothed with all the powers vested in trustees in this title.

TITLE X

Teachers institutes

§1 It shall be the duty of the Superintendent of Public Instruction to appoint a teachers institute once in each year in each school commissioner district of the state, for the benefit and instruction of the teachers in the public schools, and of such as intend to become teachers, with special reference to the presentation of subjects relating to the principles of education and methods of instruction in the various branches of study pursued in the schools. After consultation with the school commissioners, the said Superintendent shall have power to determine the duration of each institute and to designate the time and place of holding the same. He shall also have power to employ suitable persons, at a reasonable compensation, to supervise and conduct the institutes, and, in his discretion, to provide for such additional instruction as he may deem advisable and for the best interests of the schools. He may also, in his discretion, appoint an institute for two or more commissioner districts. He shall establish such regulations for the government of institutes as he may deem best; and he may establish regulations in regard to certificates of qualification or

Boards of
education,
when trustee;

Title to lands

Proviso

Provisions
extended to
city of
Brooklyn

Applicable
to districts
organized
under special
laws

Superintend-
ent to appoint
teachers
institute

Duration,
time and
place of
holding same

Employment
of conductor
etc.

Discretionary
powers

Regulations

TITLE 10

Visitation
of institutes
by Super-
intendent

recommendation which may be issued by school commissioners as will, in his judgment, furnish incentives and encouragement to teachers to attend the institutes. So far as consistent with other duties imposed upon him, the Superintendent shall visit the institutes, or cause them to be visited by representatives of the Department of Public Instruction, for the purpose of examining into the course and character of instruction given, and of rendering such assistance as he may find expedient.

Notice of
time and
place of hold-
ing institutes

§ 2 It shall be the duty of every school commissioner, subject always to the advice and direction of the Superintendent of Public Instruction, and in such form and manner as may be deemed most effectual, to notify all teachers, trustees, boards of education and others known to him, who may desire to become teachers under his jurisdiction, of the time when and the place where the institute will be held. The school commissioner shall make all necessary arrangements for holding the institute when appointed; see that a suitable room is provided; attend to all the necessary details connected therewith; assist the conductor in organization; keep a record of all teachers in attendance; and notify the trustees of the number of days attended by the teachers of the various districts, which shall be the basis of pay to such teacher for attendance as hereafter provided. He shall also transmit to the Superintendent of Public Instruction at the close of each institute, in such form, and within such time as the Superintendent shall prescribe, a full report of the institute, including a list of all teachers in attendance, the number of days attended by each teacher, with such other statistical information as may be required. He shall present a full statement of all expenses incurred by him in carrying on the institute, with vouchers for all expenditures made, accompanying the same by an affidavit of the correctness of statements made and of accounts presented.

Duty of school
commissioner

Report to
Super-
intendent

Statement of
expenses

held, not included within the boundaries of an incorporated city, except as hereinafter provided, shall be closed during the time such institute shall be in session. The closing of a school within the school commissioner district wherein an institute shall be held, at which a teacher has attended, shall not work a forfeiture of the contract under which such teacher was employed. In all districts having a population of more than 5000, and employing a superintendent whose time is exclusively devoted to the supervision of the schools therein, the schools may be closed or not at the option of the boards of education in such districts. The trustees of every school district are hereby directed to give the teacher or teachers employed by them, the whole of the time spent by them in attending at an institute or institutes held as hereinbefore stated, without deducting anything from the wages of such teacher or teachers for the time so spent. All teachers under a contract to teach in any commissioner district shall attend such institute so held for that district, and shall receive wages for such attendance.

§ 5 In the apportionment of public school money, the schools thus closing in any school term shall be allowed the same average pupil attendance during such time, as was the average weekly aggregate during the week previous to such institute, and any school continuing its sessions in violation of the above provision shall not be allowed any public money based upon the aggregate attendance for the period during which the institute was held. Trustees and boards of education in such school districts and parts of school districts shall report, in their annual reports to the school commissioners, the number of days and the dates thereof on which a teachers institute was held in their districts during the school year, and whether schools under their charge were or were not closed during such days; and whenever the trustees' report shows a district school has been supported for the full time required by law, including the time spent by the teacher or teachers in their employ in attendance upon such institute, and that the trustees have given the teacher or teachers the time of such absence, and have not deducted anything from his or their wages on account thereof, the Superintendent of Public Instruction may include the district in his apportionment of the state school moneys, and direct that it be included by the school commissioner or commissioners in their apportionment of school moneys; provided, always, that such school district be in Proviso all other respects entitled to be included in such apportionment.

§ 6 Wilful failure on the part of a teacher to attend a teachers institute as required, shall be considered sufficient cause for the

Vacation for
teachers

Attendance
of teachers
under contract

Allowance of
attendance in
apportionment
of state money

Report of
trustees and
boards of
education

Superintendent
may include
districts
in apportion-
ment

Proviso

Failure of
teacher to
attend institu-
tute

¹As amended by section 17, chapter 264, laws of 1896.

TITLE 10
Failure of
trustee to
close schools

Teachers
entitled to
wages.

Payment of
expenses

Annual
appropriation

Summer
institutes

revocation of such teacher's license, and a wilful failure on the part of trustees to close their schools during the holding of an institute as required, shall be considered sufficient cause for withholding the public moneys to which such districts would otherwise be entitled. Any person under contract to teach in a school in any commissioner district is required to attend an institute, if held for that district, even though at the time the school is not in session, and shall be entitled to receive wages for such attendance.

§7 The treasurer shall pay, on the warrant of the Comptroller, to the order of any one or more of the school commissioners, such sum or sums of money as the Superintendent of Public Instruction shall certify to be due to them for expenses in holding a teachers institute; and, upon the like warrant and certificate to pay to the order of any persons employed by the Superintendent as additional instructors to conduct, instruct, teach or supervise any such teachers institute.

§8 There shall be annually appropriated out of the free school fund the sum of \$30,000 for the maintenance of teachers institutes.

§9 There shall be annually appropriated out of the free school fund the sum of \$6000, for the establishment and maintenance of summer institutes in accordance with the provisions of this section. It shall be the duty of the Superintendent of Public Instruction to establish and maintain three summer institutes having a course of at least three weeks duration for the training and instruction of teachers for the common schools of the state, to be located at three convenient and accessible points therein to be selected by him. Such institutes shall be supplied with proper instructors, to be appointed by the State Superintendent for that purpose, utilizing so far as practicable, those who are employed as institute conductors. Admission to said institutes and all the advantages thereof, shall be free to all teachers of the state and those preparing for teaching therein. The Superintendent of Public Instruction shall establish such regulations for the government of such summer institutes as he may deem best, and may establish regulations in regard to examinations thereat and certificates of qualification to be issued to graduates therefrom as shall, in his judgment, best furnish incentives and encouragement to teachers to attend such institutes. The conductor in charge of such institutes shall transmit to the Superintendent of Public Instruction at the close thereof, in such form and at such time as the Superintendent shall prescribe, a full report of such institute, including a list of all

¹Added to title 10 by chapter 156, laws of 1896.

the teachers in attendance, the number of days attended by each teacher, together with such other statistical information as the Superintendent may require. He shall present a full statement of all the expenses incurred by him in carrying on the institute, with vouchers for all expenditures made, accompanying the same by an affidavit of the correctness of the statements made and accounts presented. The sum of \$6,000 is hereby appropriated out of the ^{Appropriation} free school fund for the purposes of carrying out the provisions of this act.

TITLE XI

Teachers training classes

§1 There shall be annually appropriated out of the income of ^{Annual} the United States deposit fund, not otherwise appropriated, the ^{appropriation} sum of \$30,000 and out of the free school fund the sum of \$30,000 ^{for instruction of teachers} for the instruction of competent persons in academies and union schools, in the science and practice of common school teaching, under a course to be prescribed by the Superintendent of Public Instruction.

§2 The Superintendent of Public Instruction shall designate the ^{Designation of} academies and union schools in which such instruction shall be ^{academies and schools} given, distributing them among the school commissioner districts of the state, as nearly as may well be, having reference to the number of school districts in each, to location and to the character of the institutions selected.

§3 Every academy and union school so designated shall instruct ^{Instruction of} classes a class of not less than 10 nor more than 25 scholars, and every scholar admitted to such class shall continue under instruction not less than 16 weeks. Whenever it shall be shown to the satisfaction of the Superintendent of Public Instruction that any pupil attending such class or classes, has been prevented from attending the same for the full term of 16 weeks, or has attended the first full term, but not the full time in the second term, during any one year, or that for any reason satisfactory to such Superintendent, said class or classes have not been held for the full term of 16 weeks, such Superintendent may excuse such default and allow ^{Default in} ^{on term of} instruction ^{Allowance of pay} to the trustees of the academy or union free school in which said class or classes shall have been instructed, pay for such scholar or scholars for the time actually spent in attendance, or during which said class or classes shall have been under instruction, at the rate of \$1 for each week's instruction, as provided in section 5

TITLE XII

Conditions
of admission,
number of
classes, etc.

Instruction
free

Payments to
trustees for
instruction

Expenses of
inspection and
supervision

Visitation of
classes

Duty of school
commissioners

Departments
open to
applicants

of this title. The Superintendent shall prescribe the conditions of admission to the classes, the course of instruction and the rules and regulations under which said instruction shall be given, and shall, in his discretion, determine the number of classes which may be formed in any one year, in an academy or union school, and the length of time exceeding 16 weeks during which such instruction may be given.

§4 Instruction shall be free to all scholars admitted to such classes, and who have continued in them the length of time required by the third section of this title.

§5 The trustees of all academies and union schools in which such instruction shall be given shall be paid from the appropriations named in the first section of this title at the rate of \$1 for each week's instruction for each scholar who has attended for the term of time as required by section 3 of this title, on the certificate of the Superintendent, to be furnished to the Comptroller.

§6 The appropriation provided by this act, for the instruction in academies and union schools in the science and practice of common school teaching, shall be deemed to include, and shall include, the due inspection and supervision of such instruction by the Superintendent of Public Instruction, and the expenses of such inspection and supervision shall be paid out of said appropriation on vouchers certified by the Superintendent.

§7 Each class organized in any academy or union school under appointment by the Superintendent for instruction in the science and practice of common school teaching, shall be subject to the visitation of the school commissioner of the district in which such academy or union school is situated; and it shall be the duty of said commissioner to advise and assist the principals of said academies or union schools in the organization and management of said classes, and at the close of the term of instruction of said classes, under the direction of the Superintendent, to examine the students in such classes, and to issue teachers certificates to such as show moral character, fitness and scholastic and professional qualifications, worthy thereof.

TITLE XII**State scholarships in Cornell University**

§1 The several departments of study in Cornell University shall be open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without distinction as to rank, class, previous occupation or locality. But,

with a view to equalize its advantages to all parts of the state, the institution shall receive students to the number of one each year from each assembly district in this state, to be selected as herein-after provided, and shall give them instruction in any or in all the prescribed branches of study in any department of said institution, free of any tuition fee or of any incidental charges to be paid to said university, unless such incidental charges shall have been made to compensate for materials consumed by said students or for damages needlessly or purposely done by them to the property of said university. The said free instruction shall, moreover, be accorded to said students in consideration of their superior ability, and as a reward for superior scholarship in the academies and public schools of this state. Said students shall be selected as Selection of students the Legislature may from time to time direct, and until otherwise ordered as follows:

1 A competitive examination, under the direction of the Department of Public Instruction, shall be held at the county courthouse in each county of the state, upon the first Saturday of June, in each year, by the city superintendents and the school commissioners of the county.

2 None but pupils of at least 16 years of age and of six months standing in the common schools or academies of the state, during the year immediately preceding the examination, shall be eligible.

3 Such examination shall be upon such subjects as may be designated by the president of the university. Question papers prepared by the Department of Public Instruction shall be used, and the examination papers handed in by the different candidates shall be retained by the examiners and forwarded to the Department of Public Instruction.

4 The examiners shall, within 10 days after such examination, make and file in the Department of Public Instruction a certificate, in which they shall name all the candidates examined and specify the order of their excellence, and such candidates shall, in the order of their excellence, become entitled to the scholarships belonging to their respective counties.

5 In case any candidate who may become entitled to a scholarship shall fail to claim the same, or shall fail to pass the entrance examination at such university, or shall die, resign, absent himself without leave, be expelled, or, for any other reason, shall abandon his right to or vacate such scholarship either before or after entering thereupon, then the candidate certified to be next entitled in the same county shall become entitled to the same.

In case any scholarship belonging to any county shall not be claimed by any candidate resident in that county, the State Superintendent may fill the same by appointing thereto some candidate first entitled to a vacancy in some other county, after notice has been served on the Superintendent or commissioners of schools of said county. In any such case, the president of the university shall at once notify the Superintendent of Public Instruction, and that officer shall immediately notify the candidate next entitled to the vacant scholarship of his right to the same.

Leave of absence, when granted

6 Any state student who shall make it appear to the satisfaction of the president of the university that he requires leave of absence, for the purpose of earning funds with which to defray his living expenses while in attendance, may, in the discretion of the president, be granted such leave of absence, and may be allowed a period not exceeding six years from the commencement thereof for the completion of his course at said university.

Preference of candidates

7 In certifying the qualifications of the candidates, preference shall be given (where other qualifications are equal) to the children of those who have died in the military or naval service of the United States.

Notices of examinations

8 Notices of the time and place of the examinations shall be given in all the schools having pupils eligible thereto, prior to the first day of January in each year, and shall be published once a week, for three weeks, in at least two newspapers in each county immediately prior to the holding of such examinations. The cost of publishing such notices and the necessary expenses of such examination shall be a charge upon each county, respectively, and shall be audited and paid by the board of supervisors thereof.

Duty of State Superintendent

The State Superintendent of Public Instruction shall attend to the giving and publishing of the notices hereinbefore provided for. He may, in his discretion, direct that the examination in any county may be held at some other time and place than that above specified, in which case it shall be held as directed by him. He shall keep full records in his department of the reports of the different examiners, showing the age, postoffice address and standing of each candidate, and shall notify candidates of their rights under this act. He shall determine any controversies which may arise under the provisions of this act. He is hereby charged with the general supervision and direction of all matters in connection with the filling of such scholarships. Students enjoying the privileges of free scholarships shall, in common with the other students of said university, be subject to all of the examinations, rules and

Liabilities and restrictions imposed on students

requirements of the board of trustees or faculty of said university, except as herein provided.

TITLE XIII

Common school and public libraries

§1 So much of the school library money as shall be needed for ^{Library moneys,} that purpose shall be apportioned among the several cities and ^{apportionment} school districts by the State Superintendent of Public Instruction, ^{and expenditure of} who may, so far as consistent with law, make, alter or repeal any rules that he may deem proper for regulating the expenditure of the school library money and the administration and care of school libraries established or maintained under authority of this act; provided, that no portion of the school library money shall be expended except for books approved by the said Superintendent. Said school libraries shall consist of reference books for use in the schoolroom, suitable supplementary reading books for children, or books relating to branches of study being pursued in the school and pedagogic books as aids to teachers. And no city or school ^{Requirements for share in apportionment} district shall share in the apportionment unless it shall raise and use for the same purpose an equal amount from taxation or other local sources, and shall also comply with the requirements of the Superintendent as to the care of such libraries and otherwise. Library moneys shall be apportioned to the school districts and ^{Apportionment to joint districts} parts of school districts joint with parts in any city or in any adjoining county which shall be entitled to participate therein as follows: To each of said districts an amount equal to that which shall have been raised in said district for library purposes, either by tax or otherwise; and if the aggregate amount so raised in the districts within the county, shall exceed the sum apportioned to the county, the said districts respectively shall be entitled to participate in such apportionment pro rata to the total amount apportioned to the county. All school library moneys unapportioned ^{Disposition of unapportioned moneys} by school commissioners and remaining in the hands of county treasurers shall in each succeeding year, be added to the school library money apportioned by the Superintendent of Public Instruction to the counties of the state.

§2 The school library shall be a part of the school equipment ^{Use etc. of school library} and shall be kept in the school building at all times, and shall not be used as a circulating library, except that, so far as the rules fixed by the State Superintendent shall allow, teachers and school officers or pupils, with the leave of the librarian, may borrow from said library any book not needed for reference in the schoolroom,

TITLE 13

Librarian

Existing laws
and rules
applicable

Tax

Gifts and
devisesTransfer of
books, etc. to
free public
librariesRelease of
school
authoritiesPublic
libraries
may take
books, etc.
of district
librariesDelivery of
books and
property to
libraries

but such persons shall not borrow more than one volume at a time and shall not keep the same more than two weeks. The board of education or trustees shall appoint a teacher of the schools under their charge as librarian, who, with the trustees, shall be responsible for the safety and proper care of the books, and shall annually, and whenever required, make such reports concerning the library as the State Superintendent may direct.

§3 All existing provisions of law and rules established by the Superintendent of Public Instruction for the management of district libraries shall hold good as to the management of school libraries till altered by or in pursuance of law.

§4 Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting or extending or caring for the school library.

§5 Any board of education in any city or union free school district, or any duly constituted meeting in any other district, is hereby authorized to give any or all of its books or other library property to any township or other free public library under state supervision, or to aid in establishing such free public library, provided it is free to the people of such city or district. A receipt from the officers of the said free public library, and an approval of the transfer under seal by the Regents of the University, shall forever thereafter relieve the said school authorities of further responsibility for the said library and property so transferred.

§6 Any books or other library property belonging to any district library, and which have not been in direct charge of a librarian duly appointed within one year, may be taken and shall thereafter be owned by any public library under state supervision, which has received from the Regents of the University written permission to collect such books or library property, and to administer the same for the benefit of the public; provided, that said books or other library property shall be found in the territory for which such public library is maintained, as defined in its charter or in the permission granted by the Regents; and further provided that, on written request of the school authorities, any dictionaries, cyclopedias and pedagogic books shall be placed in the school library of the district to which such books originally belong. Any person, association or corporation having possession of books or other property belonging to any school, district or other public library, except books regularly borrowed and charged for a period not yet expired, shall deliver the same within one month from the

passage of this law to the legally appointed librarian of such library, or of the free public library, duly authorized to take the same as provided in this section, and wilful neglect or refusal to comply with this provision shall be a misdemeanor.

§7 The public shall not be entitled to use any library, now or hereafter in the custody of the school authorities, but said authorities may appoint three trustees who shall have the powers, duties and responsibilities of trustees of public libraries incorporated by the Regents, and thereafter the school authorities may transfer to the custody of said trustees for the purpose of a circulating library any of their library property as provided in section 5.

§8 The State Superintendent of Public Instruction is hereby authorized to withhold its share of public school moneys from any city or district which uses school library moneys for any other purpose than that for which they are provided, or for any wilful neglect or disobedience of the law or the rules or orders of said Superintendent in the premises.

TITLE XIV

Appeals to the Superintendent of Public Instruction

§1 Any person conceiving himself aggrieved in consequence of any decision made:

- 1 By any school district meeting;
- 2 By any school commissioner or school commissioners and other officers, in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys to any such district or part of a district;
- 3 By a supervisor in refusing to pay any such moneys to any such district;
- 4 By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school;
- 5 By any trustees of any school library concerning such library, or the books therein, or the use of such books;
- 6 By any district meeting in relation to the library;
- 7 By any other official act or decision concerning any other matter under this act, or any other act pertaining to common schools, may appeal to the Superintendent of Public Instruction, who is hereby authorized and required to examine and decide the same; and his decision shall be final and conclusive, and not subject to Decision final question or review in any place or court whatever.

TITLE 15
Superintendent's powers

§2 The Superintendent, in reference to such appeals, shall have power:

1 To regulate the practice therein.

2 To determine whether an appeal shall stay proceedings, and prescribe conditions upon which it shall or shall not so operate.

3 To decline to entertain or to dismiss an appeal, when it shall appear that the appellant has no interest in the matter appealed from, and that the matter is not a matter of public concern, and that the person injuriously affected by the act or decision appealed from is incompetent to appeal.

4 To make all orders, by directing the levying of taxes or otherwise, which may, in his judgment, be proper or necessary to give effect to his decision.

Record of appeals

§3 The Superintendent shall file, arrange in the order of time, and keep in his office, so that they may be at all times accessible, all the proceedings on every appeal to him under this title, including his decision and orders founded thereon; and copies of all such papers and proceedings, authenticated by him under his seal of office, shall be evidence equally with the originals.

Copies thereof evidence

TITLE XV

Miscellaneous provisions

ARTICLE 1

Of loss of school moneys apportioned; of forfeiture by school officers by reason of neglect to sue for penalties; of costs in suits which might have been the subjects of appeal to the Superintendent of Public Instruction; of costs in suits, actions and proceedings other than appeals to the Superintendent of Public Instruction

Loss of school moneys apportioned

§1 Whenever the share of school moneys or any portion thereof, apportioned to any town or school district, or any money to which a town or school district would have been entitled, shall be lost, in consequence of any wilful neglect of official duty by any school commissioner, town clerk, trustees or clerks of school districts, the officer or officers guilty of such neglect shall forfeit to the town, or school district so losing the same, the full amount of such loss with interest thereon.

Forfeiture

Neglect to sue for penalties

§2 Where any penalty for the benefit of a school district, or of the schools of any school district, town, school commissioner district or county, shall be incurred, and the officer or officers, whose duty it is by law to sue for the same, shall wilfully and unreasonably refuse or neglect to sue for the same, such officer or officers

shall forfeit the amount of such penalty to the same use, and it shall be the duty of their successor or successors in office to sue for the same.

§3 In any action against a school officer or officers, including supervisors of towns, in respect to their duties and powers under this act, for any act performed by virtue of or under the color of their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the Superintendent, no costs shall be allowed to the plaintiff, in cases where the court shall certify that it appeared on the trial that the defendants acted in good faith. But this provision shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the Superintendent.

§4 Whenever the trustees of any school district, or any school district officer or officers, have been or shall be instructed by a resolution of the district, at a meeting called for that purpose, to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax. If the amount claimed by them be disputed by a district meeting, it shall be adjusted by the county judge of any county in which the district or any part of it is situated.

§5 Whenever such trustees or any school district officer shall have brought or defended any such action or proceeding, without any such resolution of the district meeting, and after the final determination of such suit or proceeding, shall present to any regular meeting of the inhabitants of the district, an account, in writing, of all costs, charges and expenses paid by him or them, with the items thereof, and verified by his or their oath or affirmation, and a majority of the voters at such meeting shall so direct, it shall be the duty of the trustees to cause the same to be assessed upon and collected of the taxable property of said district, in the same manner as other taxes are by law assessed and collected; and, when so collected, the same shall be paid over, by an order upon the collector or treasurer to the officer or officers entitled to receive the same; but this provision shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the Superintendent of Public Instruction.

§6 Whenever an officer or officers mentioned in the last preceding section of this title shall have complied with the provisions of

Appeal on refusal to levy tax

TITLE 15

Notice to be given

Appointment of inhabitant to protect interest

Service of copy of account upon town clerk

Record of notice

Appearance before county judge or district attorney

Levy of tax for expenses

Hearing before county judge and decision thereupon

Costs

Proviso as to payment

said section, and the inhabitants shall have refused to direct the trustees to levy a tax for the payment of the costs, charges and expenses therein mentioned, it shall be lawful for him or them then and there, to give notice orally and publicly, that he will appeal to the county judge of the county; and in case of his disability to act in the matter by reason of being disqualified, or otherwise, then to the district attorney of the county in which the school-house of said district is located, from the refusal of said meeting to vote a tax for the payment of said claim, and the inhabitants may, then and there, or at any subsequent district meeting, appoint one or more of the inhabitants of the district to protect the rights and interests of the district upon said appeal. And the officer or officers before mentioned shall thereupon, within 10 days, serve upon the clerk of said district (or if there be no such clerk, upon the town clerk of the town) a copy of the aforesaid account, so sworn to, together with a notice, in writing, that on a certain day therein specified he or they intend to present such account to the county judge or to the district attorney, as the case may be, for settlement. And the clerk shall record such notice, together with the copy of the account, and the same shall be subject to the inspection of the inhabitants of the district. And it shall be the duty of the person or persons appointed by any district meeting for that purpose, to appear before the county judge or the district attorney, as the case may be, on the day mentioned in the notice fore-said, and to protect the rights of the district upon such settlement; and the expenses incurred in the performance of this duty shall be a charge upon said district, and the trustees, upon presentation of the account of such expenses, with the proper voucher therefor, may levy, a tax therefor, or add the same to any other tax to be levied by them; and their refusal to levy said tax for the payment of said expenses, shall be subject to an appeal to the Superintendent of Public Instruction.

§ 7 Upon the appearance of the parties, or upon due proof of service of the notice and copy of the account, the county judge shall examine into the matter and hear the proofs and allegations presented by the parties, and decide by order whether or not the account, or any and what portion thereof, ought justly be charged upon the district, with costs and disbursements to such officer or officers, in his discretion, which costs and disbursements shall not exceed the sum of \$30, and the decision of the county judge shall be final; but no portion of such account shall be so ordered to be paid which shall appear to such judge to have arisen from the wil-

ful neglect or misconduct of the claimant. The account with the evidence of oath of the party claiming the same shall be prima facie evidence of correctness thereof. The county judge may adjourn the hearing from time to time, as justice shall seem to require.

§8 It shall be the duty of the trustees of any school district, record of order within 30 days after service of a copy of such order upon them or upon the district clerk, and notice thereof to them, or any two of them, to cause the same to be entered at length in the book of record of said district, and to raise the amount thereby directed to be paid, by a tax upon the district, to be by them assessed and levied in the same manner as a tax voted by the district.

ARTICLE 2

Changes in textbooks

§9 The boards of education, or such bodies as perform the functions of such boards in the several cities, villages and union free school districts of this state, shall have power and it shall be their duty to adopt and designate textbooks to be used in the schools under their charge in their respective districts. In the common school districts in the state the textbooks to be used in the schools therein shall be designated at any annual school meeting by a two thirds vote of all the legal voters present and voting at such school meeting.

§10 When a textbook shall have been adopted for use in any of the public or common schools in this state, as provided in the ninth section of this title, it shall not be lawful to supersede the textbook so adopted by any other book within a period of five years from the time of such adoption, except upon a three fourths vote of the board of education, or of such body as performs the function of such board, where such board has made the designation, or upon a three fourths vote of the legal voters present and voting at the annual school meeting in any common school district.

§11 Any person or persons violating any of the provisions of this act shall be liable to a penalty of not less than \$50 nor more than \$100 for every such violation, to be sued for by any taxpayer of the school district, and recovered before any justice of the peace, said fine, when collected, to be paid to the collector or treasurer for the benefit of said school district.

ARTICLE 3

Care of code of public instruction

§12 The trustee or trustees of each school district are hereby made the custodians of the code of public instruction belonging to the trustees custodians of code

TITLE 15

Replacement
in case of loss

to such school district, and shall deliver the same to their successor or successors in office. And in case such copy of said code shall have been lost or destroyed through or by means of the fault or negligence of the trustee or trustees, the trustee so permitting the same to be lost or destroyed shall, at their own expense, procure a copy of the latest edition of the code of public instruction and deliver the same to their successor or successors in office in lieu of the copy so lost or destroyed.

Penalty

§ 13 Every trustee who fails to comply with the provisions of the foregoing section shall forfeit the sum of \$25. This penalty shall be sued for by the supervisor of the town and shall be used in the purchase of books for the school library.

ARTICLE 4

Contracts between school districts and boards of education in other districts, villages and cities

Contract for
teaching
children

§ 14 Whenever any school district, by a vote of a majority of the qualified voters present and voting thereon, shall empower the trustees or board of education thereof, the said trustees or board of education shall enter into a written contract with the trustees or boards of education consenting thereto, of any district, village or city, whereby all or part of the children of such district may be entitled to be taught in the public schools of such city, village or school district for such period as said authorities may agree upon not exceeding one full school year. Upon filing a copy of such contract, duly certified by the trustees of each of such school districts, or by the secretary of the board of education of such city or village in the office of the State Superintendent of Public Instruction, such school district shall, after such contract has been approved by the State Superintendent, be deemed to have employed a competent teacher for the period of such contract. Whenever the period of such contract or the period of such contract together with the time school is actually taught in said district shall amount to at least 160 days and the contract shall include all the children of school age in said district, said district shall be entitled to receive one distributive district quota; if said district maintains a home school and contracts for a part only of the children, it shall be entitled to one teacher's quota in addition to its district quota for not less than 12 pupils attending under such contract; but in no instance shall any school district receive a greater apportionment than the total expense incurred in payment of tuition and

¹As amended by chapter 265, laws of 1903, and by section 1, chapter 322, laws of 1904.

transportation of pupils as shown by the report of the trustee to the school commissioner.

¹§15 The board of education of any city or village, and the trustees of any school district so contracting with any other school district, shall report for the pupils attending such schools from such adjoining districts to the Superintendent of Public Instruction, the same as though they were residents of such city, village or school district.

²§16 It shall be the duty of the Superintendent of Public Instruction to give to school commissioners such directions as may, in his judgment, be required and proper in relation to the reports to be made by the trustees of such districts to school commissioners.

ARTICLE 5

Contracts with teachers

²§17 All officers or boards of officers who shall employ any teacher to teach in any of the public schools of this state shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by said officer, or by the members of said board, or by some person duly authorized by said board, to represent them in the premises, in which the detail of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time or times when such compensation shall be due and payable shall be clearly and definitely set forth. But ^{Proviso} nothing herein contained shall be deemed to abridge or otherwise affect the term of employment of any teacher now or hereafter employed in the public schools, nor to repeal or affect any provision of special laws concerning the employment or removal of teachers now in force in any particular locality.

³§18 The pay of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end ^{Pay of teachers,} when due of each calendar month of the term of employment.

ARTICLE 6

Physiology and hygiene in the public schools

³§19 The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches in all schools under state control or

¹As amended by section 2, chapter 265, laws of 1903.

²As amended by section 20, chapter 264, laws of 1896.

³As amended by section 1, chapter 901, laws of 1896.

TITLE I^S

Minimum of time

supported wholly or in part by public money of the state, and also in all schools connected with reformatory institutions. All pupils in the above mentioned schools below the second year of the high school and above the third year of school work computing from the beginning of the lowest primary, not kindergarten year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year with suitable textbooks in the hands of all pupils, for not less than three lessons a week for 10 or more weeks, or the equivalent of the same in each year, and must pass satisfactory tests in this as in other studies, before promotion to the next succeeding year's work; except that where there are nine or more school years below the high school, the study may be omitted in all years above the eighth year and below the high school, by such pupils as have passed the required tests of the eighth year. In all schools above mentioned, all pupils in the lowest three primary, not kindergarten, school years or in corresponding classes in ungraded schools shall, each year, be instructed in this subject orally for not less than two lessons a week for 10 weeks, or the equivalent of the same in each year, by teachers using textbooks adapted for such oral instruction as a guide and standard, and such pupils must pass such tests in this as may be required in other studies before promotion to the next succeeding year's work. Nothing in this act shall be construed as prohibiting or requiring the teaching of this subject in kindergarten schools. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular

Duty of school authorities

courses of study. The textbooks in the pupils' hands shall be graded to the capacities of fourth year, intermediate, grammar and high school pupils, or to corresponding classes in ungraded schools.

For students below high school grade, such textbooks shall give at least one fifth their space, and for students of high school grade, shall give not less than 20 pages, to the nature and effects of alcoholic drinks and other narcotics. This subject must be treated in the textbooks in connection with the various divisions of physiology and hygiene, and pages on this subject in a separate chapter at the end of the book shall not be counted in determining the minimum. No textbook on physiology not conforming to this act shall be used in the public schools, except so long as may be necessary to fulfill the conditions of any legal adoption existing at the time of the passage of this act. All Regents examinations in physiology and hygiene shall include a due proportion of questions on the nature of alcoholic drinks and other narcotics, and their effects on the human system.

Textbook requirements

¹§ 20 In all normal schools, teachers training classes and teachers institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in the subject, and the best methods of teaching it. On satisfactory evidence that any teacher has wilfully refused to teach this subject as provided in this act, the State Superintendent of Public Instruction shall revoke the license of such teacher. No public money of the state shall be apportioned by the State Superintendent of Public Instruction or paid for the benefit of any city until the superintendent of schools therein shall have filed with the treasurer or chamberlain of such city an affidavit and with the State Superintendent of Public Instruction a duplicate of such affidavit that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief all the provisions of this act have been complied with in all the schools under his supervision in such city during the last preceding legal school year; nor shall any public money of the state be apportioned by the State Superintendent of Public Instruction or by school commissioners or paid for the benefit of any school district, until the president of the board of trustees, or in the case of common school districts the trustee or some one member of the board of trustees, shall have filed with the school commissioner having jurisdiction an affidavit that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this act have been complied with in such district, which affidavit shall be included in the trustees' annual report, and it shall be the duty of every school commissioner to file with the State Superintendent of Public Instruction, an affidavit in connection with his annual report showing all districts in his jurisdiction that have and those that have not complied with all the provisions of this act, according to the best of his knowledge, information and belief, based on a thorough investigation by him as to the facts; nor shall any public money of the state be apportioned or paid for the benefit of any teachers training class, teachers institute or other school mentioned herein, until the officer having jurisdiction or supervision thereof shall have filed with the State Superintendent of Public Instruction an affidavit that he has made a thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this act relative thereto have been complied with. The principal of each normal school

¹As amended by section 1, chapter 901, laws of 1896.

TITLE 15

in the state shall, at the close of each of their school years, file with the State Superintendent of Public Instruction an affidavit that all the provisions of this law, applicable thereto, have been complied with during the school year just terminated, and until such affidavit shall be filed no warrant shall be issued by the State Superintendent of Public Instruction for the payment by the Treasurer of any part of the money appropriated for such school. It shall be the duty of the State Superintendent of Public Instruction to provide blank forms of affidavit required herein for use by the local school officers, and he shall include in his annual report a statement showing every school, city, or district which has failed to comply with all the provisions of this act during the preceding school year. On complaint by appeal to the State Superintendent of Public Instruction by any patron of the schools mentioned in the last preceding section, or by any citizen, that any provision of this act has not been complied with in any city or district, the State Superintendent of Public Instruction shall make immediate investigation, and on satisfactory evidence of the truth of such complaint, shall thereupon and thereafter withhold all public money of the state to which such city or district would otherwise be entitled, until all the provisions of this act shall be complied with in said city or district, and shall exercise his power of reclamation and deduction under section 9 of article 1 of title 2 of the consolidated school law.

ARTICLE 7

Free instruction in drawing

Instruction in
industrial or
free-hand
drawing

§ 21 In each of the state normal schools the course of study shall embrace instruction in industrial or free-hand drawing. The board of education in each city in this state shall cause free instruction to be given in industrial or free-hand drawing in at least one department of the schools under their charge. The board of education of each union free school district shall cause free instruction to be given in industrial or free-hand drawing in the schools under their charge, unless excused therefrom by the Superintendent of Public Instruction.

Evening
schools for
free instruc-
tion in indus-
trial drawing

§ 22 The board of education, or other body having supervision of the public schools in any city or union free school district in this state, is hereby authorized to establish and maintain evening schools for free instruction in industrial drawing, whenever the city authorities in any city or the qualified electors duly convened in any union free school district shall so direct, and shall make provision for the maintenance of such schools. In addition to the

powers now conferred by law upon the authorities of any city, or ^{Power to raise moneys} upon the electors of any union free school district in the state, therefor such authorities and such electors shall also have power, whenever they shall think it advisable, to raise such moneys as shall be necessary to carry out the purposes of this act.

ARTICLE 8

Vocal music in public schools

§23 In each of the state normal schools the course of study ^{Free instruction in vocal music} may embrace instruction in vocal music. The boards of education in each city, and in each union free school district incorporated under the laws of this state, may cause free instruction to be given in vocal music in the schools under their charge. The Superintendent of Public Instruction may provide instruction in vocal music in all teachers institutes held throughout the state.

ARTICLE 9

Free kindergartens

^{Establishment of free kindergarten in certain localities} §24 The school authorities of any union free or common school district, located in any county having less than 1,000,000 inhabitants, may establish and maintain one or more free kindergarten schools. The moneys for the support of such school shall be ^{Money for support} raised in like manner as for the support of the other public schools of such district. No child under the age of 4 years shall be admitted to the schools, and the local school authorities are hereby empowered to fix the highest age limit of children who may attend. All teachers employed in these schools shall be licensed in accordance with rules and regulations established by the Superintendent of Public Instruction, and shall each share in the distribution of district quotas. The attendance of children under the age of 5 ^{Report of attendance} years who may be enrolled in the schools shall be reported separately and shall be counted in the distribution of public money.

ARTICLE 10

Industrial training in the public schools

§25 Boards or departments of education of cities and villages, ^{Industrial training} and of union free schools and trustees of public school districts, ^{departments authorized} are hereby authorized and empowered to establish and maintain a department or departments in the schools under their charge for industrial training and for teaching and illustrating the manual

¹As amended by section 21, chapter 246, laws of 1896.

TITLE 15

Purchase of material, employment of instructors, etc.

Tax for establishment and maintenance of department

Industrial training in normal schools

Colored schools in cities and villages

How supported, etc.

Separate schools in union districts

or industrial arts, and the principles underlying the same; and for that purpose they are respectively authorized to purchase and use such material and apparatus, and to establish and maintain such shops, and to employ such instructor or instructors, in addition to the other teachers in said schools, as in their judgment shall be deemed necessary or proper whenever the authorities or electors respectively now authorized by law to raise money by taxation for school purposes, shall make provision for the maintenance of such departments.

§26 All authorities and electors, respectively, now authorized by law to levy and raise taxes for school purposes, are hereby authorized to levy and raise by taxation, in addition to any amount or amounts which they are now, respectively, in any city, village or district, authorized by law to raise for school purposes, and in the same manner, and at a regular or special meeting, the necessary funds to establish and maintain such industrial departments as aforesaid.

§27 The state normal and training schools which are or hereafter may be established in this state, hereby are and shall be required to include in their courses of instruction the principles underlying the manual or industrial arts, and also the practical training in the same, to such an extent as the Superintendent of Public Instruction may prescribe, and to such further extent as the local boards, respectively, of said normal and training schools may prescribe.

ARTICLE 11

Schools for colored children

¹§28 The school authorities of any city or incorporated village, the schools of which are or shall be organized under title 8 of this act, or under special act, may, when they shall deem it expedient, establish a separate school or separate schools for the instruction of children and youth of African descent, resident therein, and over 5 and under 21 years of age; and such school or schools shall be supported in the same manner and to the same extent as the school or schools supported therein for white children, and they shall be subject to the same rules and regulations, and be furnished with facilities for instruction equal to those furnished to the white schools therein.

§29 The trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants

¹Section 28 of article 11 repealed by section 2, chapter 492, laws of 1900. Such repeal to take effect Sep. 1, 1900. See p. 185.

of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish a separate school or separate schools for the instruction of such colored children resident therein, and such schools shall be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein.

§30 No person shall be employed to teach any of such schools ^{Qualifications of teachers} who shall not, at the time of such employment, be legally qualified.

§31 The colored schools in the city of New York, now existing ^{Colored schools in New York city} and in operation, shall hereafter be classed and known and be continued as ward schools, and primaries, with their present teachers, unless such teachers are removed in the manner provided by law, and such schools shall be under the control and management of ^{Control and management} the school officers of the respective wards in which they are located in the same manner and to the same extent as other ward schools, and shall be open for the education of pupils for whom admission is sought, without regard to race or color.

ARTICLE 12

Orphan schools

§32 The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, ^{Participation in distribution of public moneys} shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their ^{Rules and regulations} respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.

ARTICLE 13

Indian schools

§33 The Superintendent of Public Instruction shall be charged with providing the means of education for all the Indian children in the state. He shall cause to be ascertained the condition of the various bands in the state in respect to education; he shall establish schools in such places, and of such character and description as he shall deem necessary; he shall employ superintendents for such schools, and shall, with the concurrence of the Comptroller and Secretary of State, cause to be erected, where necessary, convenient buildings for their accommodation. ^{Duty of Superintendent of Public Instruction}

TITLE 15

Cooperation
of Indians

§34 In the discharge of the duties imposed by this act, the said Superintendent shall endeavor to secure the cooperation of all the several bands of Indians, and for this purpose, shall visit, by himself or his authorized representative, all the reservations where they reside, lay the matter before them in public assembly, inviting them to assist either by appropriating their public moneys to this object, or by setting apart lands and erecting suitable buildings, or by furnishing labor or materials for such buildings, or in any other way which he or they may suggest as most effectual for the promotion of this object.

Protection of
Indian title
to lands

§35 In any contract which may be entered into with said Indians, for the use or occupancy of any land for school grounds, sites or buildings, care shall be taken to protect the title of the Indians to their lands, and to reserve to the state the right to remove or otherwise dispose of all improvements made at the expense of the state.

Children
entitled to
draw money

§36 The Indian children in the state, between the ages of 4 and 21 years, shall be entitled to draw public money the same as white children. The Superintendent shall cause an annual enumeration of said Indian children to be made, and shall see that the public money, to which they are ratably entitled, is devoted exclusively to their education.

Annual
appropriation

§37 To carry into effect the provisions of this title the Legislature shall annually appropriate the sum of \$6000 out of the revenues of the common school fund, to be paid by the Treasurer, on the warrant of the Comptroller, from time to time, to the order of the Superintendent of Public Instruction.

Vouchers and
receipts for
expenditures

§38 The Superintendent shall take and file in his office, vouchers and receipts for all the expenditures made under this act, subject to the inspection of the joint committee to examine the accounts of the auditor and treasurer; and shall annually report to the Legislature all his doings, by virtue of the authority vested in him; and for this purpose said Superintendent may require full and detailed reports in such form as he may prescribe, from those having the immediate supervision of any Indian schools in this state.

Report to
Legislature

§39 For the support of the Indian schools, already established and which may be established, the Superintendent of Public Instruction, in his annual general apportionment of the state school moneys appropriated for the support of common schools, shall make an equitable apportionment, as provided by section 5 of title 2 of this act; and the moneys which shall be thus apportioned shall be paid out of the treasury upon the warrant of the Superintendent, countersigned by the Comptroller.

Apportion-
ment of state
school moneys

ARTICLE 14

Deaf and dumb and blind institutions

§40 All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the state, or that may be hereafter incorporated, shall be subject to the visitation of the Superintendent of Public Instruction, and it shall be his duty:

1 To inquire, from time to time, into the expenditures of each institution, and the systems of instruction pursued therein, respectively.

2 To visit and inspect, or cause to be visited and inspected, the schools belonging thereto, and the lodgings and accommodations of the pupils.

3 To ascertain by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint, from time to time, suitable persons to visit the schools.

4 To suggest to the directors of such institutions and to the Legislature such improvements as he shall judge expedient.

5 To make an annual report to the Legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

§41 All deaf and dumb persons resident in this state and upwards of 12 years of age, who shall have been resident in this state for one year immediately preceding the application, or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this state for one year immediately preceding the application, shall be eligible to appointments as state pupils in one of the deaf and dumb institutions of this state, authorized by law to receive such pupils; and all blind persons of suitable age and similar qualifications shall be eligible to appointment to the institution for the blind in the city of New York, or in the village of Batavia, as follows: All such as are residents of the counties of New York, Kings, Queens, Suffolk, Nassau, Richmond, Westchester, Putnam and Rockland, shall be sent to the institution for the blind in the city of New York. Those who reside in other counties of the state shall be sent to the institution for the blind in the village of Batavia. All such appointments, with the exception of those to the institution for the blind in the village of Ba-

¹As amended by chapter 62, laws of 1903.

TITLE 15

tavia, shall be made by the Superintendent of Public Instruction, upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of expense of educating and clothing such pupils shall be paid by their parents, guardians or friends in such manner and at such times as the Superintendent shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so.

State pupils, support of, etc. §42 Each pupil so received into either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for, the sum of per annum, in quarterly payments, to be paid by the Treasurer of the State, on the warrant of the Comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the Superintendent of Public Instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institutions shall apply to pupils herein provided for.

Regulations as to admission of pupils §43 The Superintendent of Public Instruction may make such regulations and give such directions to parents and guardians, in relation to the admission of pupils into either of the above named institutions, as will prevent pupils entering the same at irregular periods.

§43a The supervisors of any county in this state from which county state pupils may be hereafter appointed to any institution for the instruction of the deaf and dumb, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose for each such pupil from said county, the sum of \$30.

ARTICLE 15

Arbor day

Arbor day §44 The Friday following the first day of May in each year shall be known throughout this state as arbor day.

§45 It shall be the duty of the authorities of every public school Duty of school authorities in this state to assemble the scholars in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the city superintendent or the school commissioner, or other chief officers having the general oversight of the public schools in each city or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

§46 The State Superintendent of Public Instruction shall have Course of exercise and instruction power to prescribe from time to time a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on arbor day, and upon receipt of copies of such course, sufficient in number to supply all the schools under their supervision, the school Distribution of copies commissioner or city superintendent aforesaid shall promptly provide each of the schools under his or their charge with a copy, and cause it to be observed.

§47 The Legislature shall annually make an appropriation for Annual appropriation carrying out the provisions of this act, upon the recommendation of the Superintendent of Public Instruction.

ARTICLE 16

Miscellaneous

§48 The Superintendent of Public Instruction, so soon as may be after the passage of this act, shall cause to be prepared under Distribution of school law his supervision and to be printed, an edition of this statute, with brief annotations embodying such of the decisions of the courts of the state, and of the superintendents of public instruction as are applicable thereto, and such comments, explanations and instructions as he shall deem necessary or expedient, and to furnish to each of the school districts of the state one copy thereof, and the same shall be deposited with the trustee or trustees, and kept by him or them for the use of the inhabitants, as provided in article 3 of this title.

§49 All provisions of law repugnant to or inconsistent with the provisions of this act are hereby repealed, saving always all rights of action vested under such prior provisions, and proceedings commenced for the assertion thereof; but nothing herein contained, unless it be so expressed, shall be construed, unless by inevitable

implication, to revive any act or portion of an act heretofore repealed; nor to impair or in any manner affect or change any special law touching the schools or school system of any city or incorporated village of the state, unless the same is so stated in this act.

Laws repealed

§ 50 Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed. Such repeal shall not revive a law repealed by any law hereby repealed, but shall include all laws amendatory of the laws hereby repealed.

§ 51 Each school commissioner in respect to the territory within his district shall have the power, with the approval of the State Superintendent of Public Instruction, to set off by itself any neighborhood adjoining any other state of the Union, where it shall be found most convenient for the inhabitants to send their children to a school in such adjoining state, and to deliver to the town clerk of the town in which it lies, in whole or in part, a description of each such separate neighborhood. He shall also prepare a notice, describing such neighborhood, and appointing a time and place for the first neighborhood meeting, and deliver such notice to a taxable inhabitant of such neighborhood. It shall be the duty of such inhabitant to notify every other inhabitant of the neighborhood, qualified to vote at the meeting, by reading the notice in his hearing, or, in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting. In case such meeting shall not be held, and in the opinion of the commissioner it shall be necessary to hold such meeting before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the neighborhood, who shall serve it as hereinbefore provided.

Annual
meeting of
neighborhood

§ 52 The annual meeting of each neighborhood shall be held on the first Tuesday of August in each year, at the hour and place fixed by the last previous neighborhood meeting; or, if such hour and place has not been so fixed, then at the hour and place of such last meeting; or, if such place be no longer accessible, then at such other place as the trustee, or, if there be no trustee, the clerk, shall in the notices designate. The proceedings of no neighborhood meeting, annual or special, shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The inhabitants of any neighborhood, entitled to vote, when assembled in any annual meeting or any special meeting called by

¹As amended by section 2, chapter 293, laws of 1897.

the commissioner as above provided, shall have power, by a majority vote of those present, to appoint a chairman for the time being, and to choose a neighborhood clerk and one trustee, and to fill vacancies in office. The provisions of sections 10, 11, 12 and 13 of article 1 of title 7 of this act, shall apply to and govern such meeting, so far as the same can in substance be applied to the proceedings; and the provisions of sections 22, 23, 24, 25, 27, 29, 30, 31 and 32 of title 7 of this act shall apply to and govern the officers of such neighborhood, so far as the same can in substance be applied thereto.

¹§53 The neighborhood clerk shall keep a record of the proceedings of his neighborhood, and of the reports of the trustees, and deliver the same to his successor. In case such neighborhood shall be annexed to a district within this state its records shall be filed in the office of the clerk of such district. The trustee shall, between the 25th day of July and the first day of August in every year, make his annual report to the school commissioner, and file it in the office of the clerk of the town of which the neighborhood is a part. Such report shall specify the whole amount of public moneys received during the year and from what public officer, and the manner in which it was expended; the whole number of such children as can be included in the district trustees' report residing in the neighborhood on the 30th day of June prior to the making of such report; and any other matters which the Superintendent of Public Instruction may require.

¹§54 The Superintendent of Public Instruction shall apportion to each separate neighborhood which shall have duly reported, such fixed sum as will, in his opinion, be equitably equivalent to its portion of all the state school moneys upon the basis of distribution established by this act; such sum to be payable out of the contingent fund hereinbefore established. The school commissioner or commissioners shall set apart and credit from the state and other school moneys apportioned to each separate neighborhood the amount apportioned to it by the State Superintendent. The amount so apportioned shall be set apart to the town in which such neighborhood is situated, and the commissioner or commissioners shall certify the same to the supervisor thereof; and the same shall be paid over to the supervisor for distribution by him as a part of the school moneys of the town in the manner provided by article 2 of title 2 of this act. It shall be the duty of such supervisor to disburse said moneys upon the order of the trustee of such

Record of
proceedings
by clerk

Report of
Trustee

Apportionment
by State
Superintendent

¹As amended by section 2, chapter 293, laws of 1897.

TITLE 16

neighborhood in favor of any teacher of a school in an adjoining state, recognized by him and patronized by the inhabitants of such neighborhood; and to include a statement thereof in the account required by this act to be made by him of the school moneys received by him and the disbursement thereof.

TITLE XVI

Compulsory education law

§ 1 Short title. This chapter shall be known as the compulsory education law.

Definitions

§ 2 Definitions. When used in this act, the term school authorities means the trustees or board of education or corresponding officers, whether one or more, and by whatever name known, of a city, union free school district, common school district, or school district created by special law; the term persons in parental relation to a child, includes the parents, guardians or other persons, whether one or more, lawfully having the care, custody or control of such child. A child under 16 years of age required by the persons in parental relation to such a child, to attend upon lawful instruction at a school or elsewhere, upon which such child is entitled to attend, is lawfully required to attend such school. A child between 8 and 16 years of age, who is required by law to attend upon instruction, and is required by the persons in parental relation to such child, to attend upon lawful instruction at school or elsewhere, upon which such child is entitled to attend, is lawfully required to attend upon such instruction, and if not required by the persons in parental relation to such child to attend upon any instruction, is lawfully required to attend a public school.

Attendance required

§ 3 Required attendance upon instruction. Every child between 8 and 16 years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least six common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at school, as follows: every such child between 14 and 16 years of age, not regularly and lawfully engaged in any useful employment or service, and every such child between 8 and 14 years of age, shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district or city in which such child resides, shall be in session during the same period.

¹As amended by section 1, chapter 606, laws of 1896, and by section 21, chapter 459, laws of 1903.

Every boy between 14 and 16 years of age, who is engaged in any useful employment or service in a city of the first class or a city of the second class and who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents of the University of the State of New York or the certificate of the completion of an elementary school issued by the Department of Public Instruction, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than 16 weeks in each school year or calendar year. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

¹§4 Duties of persons in parental relation to children. Every person in parental relation to a child between 8 and 16 years of age, in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction, or shall present to the school authorities of his city or district proof by affidavit that he is unable to compel such child to so attend. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding \$5, and for each subsequent offense by a fine not exceeding \$50 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections 57 and 58 of the Code of Criminal Procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

¹As amended by section 2, chapter 666, laws of 1896, and by section 3, chapter 450, laws of 1903.

TITLE 16

Unlawful
employment
of children

¹§ 5 Persons employing children unlawfully to be fined. It shall be unlawful for any person, firm or corporation to employ any child under 14 years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between 14 and 16 years of age who does not, at the time of such employment, present a certificate signed by the superintendent of schools or by the principal or the principal teacher of the city or district in which the child resides or by the principal or the principal teacher of the school where the child has attended or is attending, or by such other officer as the school authorities may designate, certifying that such child during the 12 months next preceding his 14th birthday or during the 12 months next preceding his application for such certificate, has attended for not less than 130 days the public schools, or schools having an elementary course equivalent thereto, in such city or district, and that such child can read and write easy English prose and is familiar with the fundamental operations of arithmetic; or to employ, in a city of the first class or a city of the second class, any child between 14 and 16 years of age who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents of the University of the State of New York or the certificate of the completion of an elementary school issued by the Department of Public Instruction unless the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities or such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school will be in session during the

¹As amended by section 4, chapter 459, laws of 1903, and section 1, chapter 280, laws of 1905

remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than 16 weeks, and any person who shall employ any child contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employees in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of \$50, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

§ 6 Teachers records of attendance. An accurate record of the attendance of all children between 8 and 16 years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such records shall, at all times, be open to the attendance officers or other persons duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors or other persons, and a wilful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

§ 7 Attendance officers. The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this act, and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this act within such city or school district; and the town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner's district such town is situated.

¹As amended by section 3, chapter 606 laws of 1896, and section 2, chapter 280, laws of 1905.

1§8 Arrest of truants. The attendance officer may arrest without warrant any child between 8 and 16 years of age found from his home, and who then is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested either to the custody of a person in parental relation to the child, or of a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment by him to a truant school as provided for in the next section. The attendance officer shall promptly report such arrest, and the disposition made by him of such child to the school authorities of the said city, village or district where such child is lawfully required to attend upon instruction or to such person as they may direct. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of children employed or the employment certificate of such children shall be guilty of a misdemeanor.

2§9 Truant schools. The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between 8 and 16 years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto. Such authorities may provide for the confinement, maintenance and instruction of such children in such schools; and they, or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such

¹As amended by section 4, chapter 606, laws of 1896, and section 1, chapter 311, laws of 1905.

²As amended by section 5, chapter 606, laws of 1896, section 8, chapter 459, laws of 1903, and section 3, chapter 280, laws of 1905.

child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is 16 years of age. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans home or similar institution. If the persons in parental relation to such child shall not consent to either such order, such conduct of the child shall be deemed disorderly conduct, and the child may be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans home or other similar institution, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend. The authorities committing any such child, and in cities and villages the superintendent of schools therein, shall have authority, in their discretion, to parole at any time any truant so committed by them. Every child suspended from attendance upon instruction by the authorities in charge of furnishing such instruction, for more than one week, shall be required to attend such truant school during the period of such suspension. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district. Industrial training shall be furnished in every such truant school. The expense attending the commit-

TITLE 16

ment and cost of maintenance of any truant residing in any city, village or district, employing a superintendent of schools shall be a charge against such city, village or district, and in all other cases shall be a county charge.

Withholding funds **§ 10 Withholding the state moneys by Commissioner of Education.** The Commissioner of Education may withhold one half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this act, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment continue. If the provisions of this act are complied with at any time within one year from the date on which said moneys were withheld, the moneys so withheld shall be paid over by said Commissioner of Education to such district or city, otherwise forfeited to the state. The said Commissioner of Education is hereby authorized and empowered to employ such assistants as he may deem necessary to properly carry this act into effect. He may remove such assistants from time to time and appoint their successors. He shall fix their salaries and under his direction such assistants shall investigate the extent to which this act is complied with in the cities and school districts of the state, and make such reports, and perform such other duties as the said Commissioner shall determine. Such assistants shall be paid, in addition to their salaries, their necessary traveling and other expenses incurred in the discharge of their official duties, to be audited by the Commissioner of Education.

§ 11 Chapter 421 of the laws of 1874 is hereby repealed.

§ 12 This act shall take effect Jan. 1, 1895.

§ 13 This chapter shall be known as title 16 of the "Consolidated school law."

[Chapter 988, laws of 1895, signed June 11, 1895, chapter 606, laws of 1896, signed May 13, 1896, chapter 459, laws of 1903, signed May 7, 1903, chapter 280, laws of 1905, signed Ap. 22, 1905, and chapter 311, laws of 1905, signed Ap. 22, 1905, each took effect immediately.]

Schedule of laws repealed

Laws of	Chapter	Section
1850.....	261.....	All
1856.....	71.....	All
1856.....	179.....	All

¹As amended by section 1, chapter 988, laws of 1895, and section 4, chapter 280, laws of 1905.

²As amended by chapter 606, laws of 1896.

Schedule of laws repealed (*continued*)

Laws of	Chapter	Section
1864.....	555.....	All
1865.....	585.....	Section 9
1865.....	647.....	All
1866.....	78.....	All
1866.....	800.....	All
1867.....	84.....	All
1867.....	406.....	All
1867.....	819.....	All
1871.....	329.....	All
1871.....	359.....	All
1871.....	746.....	All
1874.....	421.....	All
1874.....	514.....	All
1875.....	322.....	All
1875.....	567.....	All
1877.....	161.....	All
1877.....	219.....	All
1877.....	413.....	All
1878.....	173.....	All
1878.....	174.....	All
1878.....	248.....	All
1879.....	134.....	All
1879.....	264.....	All
1879.....	396.....	All
1879.....	405.....	All
1880.....	9.....	All
1880.....	27.....	All
1880.....	210.....	All
1880.....	527.....	All
1881.....	492.....	All
1881.....	528.....	All
1881.....	632.....	All
1882.....	115.....	All
1882.....	381.....	All
1883.....	75.....	All
1883.....	172.....	All
1883.....	250.....	All
1883.....	294.....	All
1883.....	414.....	All

Schedule of laws repealed (*continued*)

Laws of	Chapter	Section
1884.....	30.....	All
1884.....	49.....	All
1884.....	89.....	All
1884.....	179.....	All
1884.....	248.....	All
1884.....	413.....	All
1885.....	340.....	All, except § 12
1886.....	199.....	All
1886.....	292.....	All
1886.....	591.....	All
1886.....	595.....	All
1886.....	615.....	All
1886.....	655.....	All
1887.....	291.....	All
1887.....	333.....	All
1887.....	334.....	All
1887.....	335.....	All
1887.....	538.....	All
1887.....	540.....	All
1887.....	592.....	All
1887.....	672.....	All
1888.....	27.....	All
1888.....	196.....	All
1888.....	209.....	All
1888.....	331.....	All
1888.....	334.....	All
1888.....	533.....	All
1889.....	90.....	All
1889.....	245.....	All
1889.....	328.....	All
1889.....	333.....	All
1890.....	73.....	All
1890.....	74.....	All
1890.....	170.....	All
1890.....	175.....	All
1890.....	431.....	All
1890.....	524.....	All
1890.....	526.....	All
1890.....	534.....	All

Schedule of laws repealed (*concluded*)

Laws of	Chapter	Section
1890.....	548.....	All
1892.....	573.....	All, except § 9, 10, 11 and 12
1893.....	484.....	All
1893.....	485.....	All
1893.....	500.....	All
1893.....	636.....	All
1894.....	127.....	All
1894.....	229.....	All

THE RULES OF PRACTICE

RELATING TO

APPEALS TO THE COMMISSIONER OF EDUCATION

APPEALS—RULES OF PRACTICE

Pursuant to the authority conferred by the laws of 1894, chapter 556, title 14, section 2, the Commissioner of Education has established the following amended rules to regulate the practice in appeals:

1 An appeal must be in writing, addressed "To the Commissioner of Education," stating the grounds upon which it is taken, and signed by the appellant or appellants. The appeal must be verified by the oath of the appellant or appellants. When the appeal is made by the trustees of a district, it must be signed by all the trustees, or a reason must be given for the omission of any, verified by the oath of the appellant or of some person acquainted with such reason.

2 A copy of the appeal, and of all the statements, maps and papers intended to be presented in support of it, with the affidavit in verification of the same, must be served on the officer or officers whose act or decision is complained of, or some of them; or if it be from the decision or proceeding of a district meeting, upon the district clerk or one of the trustees, whose duty it is to cause information of such appeal to be given to the inhabitants who voted for the decision.

3 Such service must be made by delivering a copy of the appeal to the party to be served personally, or, in case he can not be found in the commissioner district in which he resides, after due diligence, by delivering and leaving the same at his residence, with some person of suitable age and discretion, between 6 o'clock in the morning and 9 o'clock in the evening.

4 Immediately after the service of such copy the original, together with an affidavit proving the service of a copy thereof and stating the time and manner of the service and the name and official character of the person upon whom such service was made, must be transmitted to the Education Department at Albany.

5 Such original appeal and all papers, etc., annexed thereto, with proof of service of copies, as required by rules 3 and 4, must be sent to the Education Department within 30 days after the making of the decision or the performance of the act complained of or within that time after the knowledge of the cause of complaint came to the appellant, or some satisfactory excuse must be rendered in the appeal for the delay. If an answer is received to

an appeal which has not been transmitted to the Department, such appeal will be dismissed.

6 The party upon whom an appeal shall be served must, within 10 days from the time of such service, unless further time be given by the Commissioner of Education, on application, answer the same, either by concurring in a statement of facts with the appellant or by a separate answer, and of all affidavits, papers, maps, etc., in support thereof. Such statement and answer must be signed by all the trustees or other officers whose act, omission or decision is appealed from, or a good reason, on oath, must be given for the omission of the signature of any of them. Such answer must be verified by oath and a copy thereof and of all the statements, maps, papers, etc., intended to be presented in support thereof, served on the appellants or some one of them, in like manner as is provided in rule 3 for the service of a copy of an appeal.

7 Immediately after the service of a copy of such answer and the statements, papers, etc., presented in support thereof, the original answer and papers, etc., together with an affidavit of the service of such copy and stating the time and manner of the service and the name and official character of the person upon whom such service was made, as hereinbefore provided for the service of a copy of an appeal, must be transmitted to the Education Department at Albany.

8 No reply, replication or rejoinder shall be allowed, except by permission of the Commissioner of Education; in which case, such reply, replication and rejoinder must be duly verified by oath, and copies thereof served on the opposite party. Immediately after the service of such copy, the original, together with an affidavit of such service, and stating the time and manner of the service, and the name and official character of the person upon whom such service was made, must be transmitted to the Education Department at Albany.

9 So far as the parties concur in a statement, no oath will be required to it. But all facts, maps, or papers, not agreed upon by them and evidenced by their signature on both sides, must be verified by oath.

10 When any proceeding of a district meeting is appealed from, and when the inhabitants of a district generally are interested in the matter of the appeal, and in all cases where an inhabitant might be an appellant had the decision or proceeding been the opposite of that which was made or had, any one or more of such inhabitants may answer the appeal, with or without the trustees.

11 Where the appeal has relation to the alteration or formation of a school district, it must be accompanied by a map, exhibiting the site of the schoolhouse, the roads, the old and new lines of districts, the different lots, the particular location and distance from the schoolhouses of the persons aggrieved, and their relative distance, if there are two or more schoolhouses in question. Also, a list of all the taxable inhabitants in the district or territory to be affected by the question, showing in separate columns the valuation of their property taken from the last assessment roll, and the number of children between 5 and 21 belonging to each person, distinguishing the districts to which they respectively belong.

12 An appeal, of itself, does not stay proceedings. If the party desires such stay he should apply for it by petition, stating the facts upon which such stay should be made, duly verified. The Commissioner of Education will grant a stay, or not, as in his judgment it may be proper, or may subserve the interests of either party or the public, and may direct a copy of the petition to be served on the opposite party, and a hearing on both sides before deciding upon the application.

13 The affidavit of verification, required by these rules to an appeal, answer, reply, replication and rejoinder, must be to the effect, that the same is true to the knowledge of the affiant, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

14 All oaths required by these rules may be taken before any person authorized to take affidavits.

15 All appeals and other papers therein must be fairly and legibly written; and if not so written, may, in the discretion of the Commissioner of Education, be returned to the parties.

16 When any party, appellant or respondent, is not represented on the appeal by an attorney, the name of such party, with the names of the district, town and county and his postoffice address must be indorsed upon each paper of the party so represented, filed in the Department on such appeal; and, when represented by an attorney, the name of such attorney, with the name of the district, town and county affected and his postoffice address, must be so indorsed upon each paper of the party so represented, filed in the Department on such appeal.

17 Submission of appeals may be made upon the papers filed therein, with or without oral argument, or the filing of briefs, as the Commissioner of Education, upon application, may determine.

18 The decision of the Commissioner of Education in every case will contain the order, or directions, necessary and proper for giving effect to his decisions.

19 A decision upon an appeal will be forwarded by the Commissioner of Education to the clerk of the school district in which the appeal arose, or to the town clerk of the town, when the appeal relates to the alteration of a district in which the order appealed from is filed, whose duty it will be to file the same in his office as a public record.

20 The Commissioner of Education will, in his discretion, in the determination of an appeal, take into consideration any official records or reports on file in the Education Department and relating to the issues involved in such appeal.

PRACTICE ON APPLICATION FOR REMOVAL OF SCHOOL OFFICERS

Under consolidated school law of 1894, title 1, § 13

For wilful violation or neglect of duty

The proceedings are generally termed appeals asking for the removal of the officer against whom the charges are made.

The applicant should prepare a petition addressed, "To the Commissioner of Education," in which, after distinctly stating the *charge* should proceed with a specification of the facts by which it is established, which must be set forth with such certainty as to time, place, etc., as to furnish the officer with precise information as to what he is expected to meet, and enable him to look for repelling testimony. The charges must not only be distinctly alleged, but they must be specifically proved. After being verified, a copy of the petition, and of all affidavits in support thereof, including the affidavits of verification thereto, must be served upon the officer whose removal is sought, together with a notice of the application, which may be substantially in the following words:

SIR: Take notice that the petition and affidavits, with copies of which you are herewith served, will be presented to the Commissioner of Education at Albany, and application thereon made for your removal from the office of ... of district no. ... town of ... in ... county; and that you are required to transmit your answer to such application, duly verified, to the Education Department within 10 days after the service hereof, or the charges contained in such affidavits will be deemed to be admitted by you.

A..... B.....

[Postoffice address].....

A copy of this notice, together with an affidavit proving the service thereof, and of the petition and affidavits therein referred to, and the date and manner of such service, must be transmitted, with the original petition and affidavits, to the Education Department. The officer can not be prejudiced by any statement which he has not been called upon to answer. The officer must transmit his sworn answer, together with the affidavits of other persons, if he deems them necessary, with proof of service of copies thereof upon the petitioner, to the Education Department within 10 days. If, for any reason, as the absence of material witnesses, he is unable to complete his defense in that time, he should, before its expiration, transmit his own answer, duly verified, with a statement, under oath, of the facts which render it necessary that the time to procure further evidence should be extended, and stating the earliest day at which he expects to be able to obtain such evidence. If a probable defense appears from his answer, and the application for further time is reasonable, an order will be made granting it.

If no answer is made by the officer to the petition, etc., the allegations contained in said petition, etc., will be considered admitted and if a case is thus established against the officer, the Commissioner of Education will at once remove him. If an answer is interposed, the question will be decided by the Commissioner of Education after an examination of the facts as presented by the papers upon both sides.

**For wilfully disobeying any decision, order or regulation of the
Commissioner of Education**

The practice and procedure in cases of the wilful disobedience of any order, decision, or regulation of the Commissioner of Education should be like that above stated of wilful violation or neglect of duty, excepting that upon the filing of the petition, etc., with proof of service of a copy thereof upon the officer and in the Education Department, or upon his own motion, the Commissioner of Education will issue an order directing the officer to show cause before him on or before a certain day fixed in the order, why he should not be removed from office. If no answer is made to said order, the allegations contained in the moving papers will be deemed to be admitted and if a case is thus established against the officer, the Commissioner of Education will at once remove him. If an answer is interposed, the question will be decided by

the Commissioner of Education after an examination of the facts as presented by both sides.

NOTE

In the papers filed in the Department upon an appeal, the Commissioner wants facts, not arguments or inferences, much less injurious imputations on the motives of parties. The facts should be distinctly averred, so that an indictment for perjury would lie if they are wilfully misstated. Therefore, they should not be stated by way of recital under a "whereas" or in any similar indirect way. Every material fact should be stated with all practicable particularity as to time, quantities, numbers etc. Where a statement is ambiguous or doubtful in meaning that construction is adopted which is most unfavorable to the party making it.

The appellant must establish his appeal by a preponderance of proof, and should make out his own case, so that if no answer is put in, the Commissioner of Education will have, *in the appeal itself*, all the facts to inform him what order ought to be made. The record itself must contain enough to support the decision.

In the bringing and answering of appeals it is recommended that the matters be written upon paper ruled as paper is ruled for legal pleadings. Such paper is kept by all stationers and booksellers, and is known as law paper or *legal cap*. The several sheets should be written, as lawyers write their papers, on both sides, so that the bottom of the first page is the top of the second, and the sheets are fastened or attached at the ends and not at the sides. Manuscript arranged in this fashion is more easily handled, folded and filed. The paper should be smoothly folded and indorsed with the title of the case, briefly stating the substance of the appeal or answer, with the names of the parties or attorneys and their postoffice addresses and the district, town and county affected.

GENERAL LAWS AND SPECIAL ACTS RELATING TO SCHOOL ADMINISTRATION

The following provisions of the general laws of the state and of special acts, relating to schools and the duties of school officers, do not properly form a part of the consolidated school law, but a knowledge of them is important and necessary on the part of school district officers.

Vaccination of school children

CHAPTER 661

An act in relation to the public health, constituting chapter 25 of the general laws

Passed May 9, 1893

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XXV OF THE GENERAL LAWS

The public health law

§200 No child or person not vaccinated shall be admitted or received into any of the public schools of the state, and the trustees or other officers having the charge, management or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated from such school until vaccinated, and when any such resolution has been adopted, they shall give at least 10 days' notice thereof, by posting copies of the same in at least two public and conspicuous places within the limits of the school government, and shall announce therein that due provision has been made, specifying it, for the vaccination of any child or person of suitable age desiring to attend the school, and whose parents or guardians are unable to procure vaccination for them, or who are, by reason of poverty, exempted from taxation in such district.

§201 Such trustees or board may appoint a competent physician and fix his compensation, who shall ascertain the number of children or persons in a school district, or in a subdivision of a city school government, of suitable age to attend the common schools, who have not been vaccinated and furnish such trustees or board a list of their names. Every such physician shall provide himself with good and reliable vaccine virus with which to vaccinate such children or persons¹ such trustees or board shall direct, and give certificates of vaccination when required, which shall be evidence

¹So in the original,

that the child or person to whom given has been vaccinated. The expenses incurred in carrying into effect the provisions of this and the preceding section, shall be deemed a part of the expense of maintaining such school, and shall be levied and collected in the same manner as other school expenses. The trustees of the several school districts of the state shall include in their annual report the number of vaccinated and unvaccinated children of school age in their respective districts.

Assessment and taxation—Land in forest preserve

CHAPTER 395

An act to amend the game law and to repeal chapter 332 of the laws of 1893, entitled "An act in relation to the forest preserve and Adirondack park, constituting articles 6 and 7 of chapter 43 of the general laws"

Passed April 25, 1895

§ 270 The forest preserve shall include the lands owned or hereafter acquired by the state within the counties of Clinton, except the towns of Altona and Dannemora, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, St Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

- 1 Lands within the limits of any village or city and
- 2 Lands, not wild lands, acquired by the state on foreclosure of mortgages made to the commissioners for loaning certain moneys of the United States, usually called the United States deposit fund.

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 1

§ 4 Exemption from taxation. The following property shall be exempt from taxation:

- 1 Property of the United States.
- 2 Property of this state other than its wild or forest lands in the forest preserve.

ARTICLE 2

§ 22 Assessment of state lands in forest preserve. All wild or forest lands within the forest preserve shall be assessed and taxed at a like valuation and rate as similar lands of individuals within

the counties where situated. On or before Aug. 1 in every year the assessors of the town within which the lands so belonging to the state are situated shall file in the office of the Comptroller and of the Board of Fisheries, Game and Forest, a copy of the assessment roll of the town, which, in addition to the other matter now required by law, shall state and specify which and how much, if any, of the lands assessed are forest lands, and which and how much, if any, are lands belonging to the state; such statements and specifications to be verified by the oaths of a majority of the assessors. The Comptroller shall thereupon and before the 1st day of September following, and after hearing the assessors and Board of Fisheries, Game and Forest, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the town, and shall in other respects approve the assessment and communicate such approval to the assessors. No such assessment of state lands shall be valid for any purpose until the amount of assessment is approved by the Comptroller, and such approval attached to and deposited with the assessment roll of the town, and therewith delivered by the assessors of the town to the supervisor thereof or other officer authorized to receive the same from the assessors. No tax for the erection of a schoolhouse or opening of a road shall be imposed on the state lands unless such erection or opening shall have been first approved in writing by the Board of Fisheries, Game and Forest.

ARTICLE 4

§80 Payment of taxes on state lands in forest preserve. The Treasurer of the state, upon the certificate of the Comptroller as to the correct amount of such tax, shall pay the tax levied upon state lands in the forest preserve by crediting to the treasurer of the county in which such lands may be situated, such taxes, upon the amount payable by such county treasurer to the state for state tax. No fees shall be allowed by the Comptroller to the county treasurer for such portion of the state tax as is so paid.

Banks, banking associations and individual bankers**CHAPTER 908**

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 1*Place of taxation*

§13 Stockholders of bank taxable on shares. The stockholders of every bank or banking association organized under the authority of this state, or of the United States, shall be assessed and taxed on the value of their shares of stock therein; said shares shall be included in the valuation of the personal property of such stockholders in the assessment of taxes in the tax district where such bank or banking association is located, and not elsewhere, whether the said stockholders reside in said tax district or not.

§14 Place of taxation of individual bank capital. Every individual banker shall be taxable upon the amount of capital invested in his banking business in the tax district where the place of such business is located and shall, for that purpose, be deemed a resident of such tax district.

ARTICLE 2*Mode of assessment*

§23 Banks to make report. The chief fiscal officer of every bank or banking association organized under the authority of this state or of the United States, shall, on or before the 1st day of July, furnish the assessors of the tax district in which its principal office is located, and also the State Board of Tax Commissioners, a statement, under oath, of the condition of such bank or banking association, on the 1st day of June next preceding, stating the amount of its authorized capital stock, the number of shares and the par value of the shares thereof, the amount of stock paid in, the date and rate per centum of each dividend declared by it during the year, the capital employed by it during the year, the amount of its surplus, if any, the amount, value and location of its real estate, a complete list of the names and residences of its stockholders, and the number of shares held by each, and such other data, information or matters as may be prescribed by the State Board of Tax Commissioners, who shall furnish blanks upon which such reports shall be made, and prescribe the form of verification thereto, and such commissioners may, at any time, require a further and fuller report. In case of neglect or refusal on the part of any bank, cor-

poration or association to report, as herein prescribed, or to make other or further reports as may be required by the commissioners of taxes, such bank, corporation or association shall forfeit the sum of \$100 for each failure, and the additional sum of \$10 for each day such failure continues, and an action therefor shall be prosecuted by the State Board of Tax Commissioners. There shall, in addition to such report, be kept in the office of every such bank or banking association a full and correct list of the names and residences of all the stockholders therein, and of the number of shares held by each, and such list shall be subject to the inspection of the assessors and the Board of Commissioners of Taxes at all times. The list of stockholders furnished by such bank, corporation or association shall be deemed to contain the names of the owners of such shares as are set opposite them respectively, for the purposes of assessment and taxation.

'§24 Bank shares, how assessed. In assessing the shares of stock of banks or banking associations organized under the authority of this state or the United States, the assessment and taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this state. The value of each share of stock of each bank and banking association, except such as are in liquidation, shall be ascertained and fixed by adding together the amount of the capital stock, surplus and undivided profits of such bank or banking association and by dividing the result by the number of outstanding shares of such bank or banking association. The value of each share of stock in each bank or banking association in liquidation shall be ascertained and fixed by dividing the actual assets of such bank or banking association by the number of outstanding shares of such bank or banking association. The rate of tax upon the shares of stock of banks and banking associations shall be one per centum upon the value thereof, as ascertained and fixed in the manner hereinbefore provided, and the owners of the stock of banks and banking associations shall be entitled to no deduction from the taxable value of their shares because of the personal indebtedness of such owners, or for any other reason whatsoever. Complaints in relation to the assessments of the shares of stock of banks and banking associations made under the provisions of this act shall be heard and determined as provided in article 2, section 36 of the tax law. The said tax shall be in lieu of all other taxes whatsoever for state, county or local purposes upon the said

¹As amended by chapter 267, laws of 1903.

shares of stock, and mortgages, judgments and other choses in action and personal property held or owned by banks or banking associations the value of which enters into the value of said shares of stock, shall also be exempt from all other state, county or local taxation. The tax herein imposed shall be levied in the following manner: the board of supervisors of the several counties shall, on or before the 15th day of December in each year, ascertain from an inspection of the assessment rolls in their respective counties, the number of shares of stock of banks and banking associations in each town, city, village, school and other tax district, in their several counties, respectively, in which such shares of stock are taxable, the names of the banks issuing the same, respectively, and the assessed value of such shares, as ascertained in the manner provided in this act and entered upon the said assessment rolls, and shall forthwith mail to the president or cashier of each of said banks or banking associations a statement setting forth the amount of its capital stock, surplus and undivided profits, the number of outstanding shares thereof, the value of each share of stock taxable in said county, as ascertained in the manner herein provided, and the aggregate amount of tax to be collected and paid by such bank and banking association, under the provisions of this act. A certified copy of each of said statements shall be sent to the county treasurer. It shall be the duty of every bank or banking association to collect the tax due upon its share of stock from the several owners of such shares and to pay the same to the treasurer of the county wherein said bank or banking association is located, and in the city of New York to the receiver of taxes thereof on or before the 31st day of December in said year; and any bank or banking association failing to pay the said tax as herein provided shall be liable by way of penalty for the gross amount of the taxes due from all owners of the shares of stock, and for an additional amount of \$100 for every day of delay in the payment of said tax. Every bank or banking association so paying the taxes due upon the shares of its stock shall have a lien on the shares of stock, and on all property of the several share owners in its hands, or which may at any time come into its hands, for reimbursement of the taxes so paid on account of the several shareholders, with legal interest; and such lien may be enforced in any appropriate manner. The tax hereby imposed shall be distributed in the following manner: the board of supervisors of the several counties shall ascertain the tax rate of each of the several town, city, village, school, and other tax districts in their counties respectively, in which the shares of

stock of banks and banking associations shall be taxable, which tax rates shall include the proportion of state and county taxes levied in such districts, respectively, for the year for which the tax is imposed, and the proportion of the tax on bank stock to which each of said districts shall be respectively entitled shall be ascertained by taking such proportion of the tax upon the shares of stock of banks and banking associations, taxable in such districts, respectively, under the provisions of this act as the tax rate of such district shall bear to the aggregate tax rates of all the tax districts in which said shares of stock shall be taxable. The clerk of the several cities, villages and school districts to which any portion of the tax on shares of stock of banks and banking associations is to be distributed under this act shall, in writing and under oath annually, report to the board of supervisors of their respective counties, during the first week of the annual session of such board, the tax rate of such city, village, and school district for the year prior to the meeting of each such board. The said board of supervisors shall issue their warrant or order to the county treasurer on or before the 15th day of December in each year, setting forth the number of shares of bank stock taxable in each town, city, village, school and other tax district in said county, in which said shares of stock shall be taxable, the tax rate of each of said tax districts for said year, the proportion of the tax imposed by this act to which each of said tax districts is entitled, under the provisions hereof, and commanding him to collect same, and to pay to the proper officer in each of such districts the proportion of such tax to which it is entitled under the provisions of this act. The said county treasurer shall have the same powers to enforce the collection and payment of said tax as are possessed by the officers now charged by law with the collection of taxes and the said county treasurer shall be entitled to a commission of 1 per centum for collecting and paying out said moneys, which commission shall be deducted from the gross amount of said tax before the same is distributed. In issuing their warrants to the collectors of taxes, the board of supervisors shall omit therefrom assessments of and taxes upon the shares of stock of banks and banking associations. All assessments of the shares of stock of banks and banking associations made on or after Jan. 1, 1901, and prior to the passage of this act, shall be null and void, and new assessments thereof shall be made agreeably to the provisions of this act. Provided, that in the city of New York, the statement of the bank assessment and tax herein provided for shall be made by the board of tax com-

missioners of said city, on or before the 15th day of December in each year, and by them forthwith mailed to the respective banks and banking associations located in said city, and a certified copy thereof sent to the receiver of taxes of said city. The tax shall be paid by the respective banks in said city, to the said receiver of taxes on or before the 31st day of December in said year, and said tax shall be collected by the said receiver of taxes and shall be by him paid into the treasury of said city to the credit of the general fund thereof. This act is not to be construed as an exemption of the real estate of banks or banking associations from taxation.

§25 Individual banker, how assessed. Every individual banker doing business under the laws of this state, must report before the 15th day of June under oath to the assessors of the tax district in which any of the capital invested in such banking business is taxable, the amount of capital invested in such banking business in such tax district on the 1st day of June preceding. Such capital shall be assessed as personal property to the banker in whose name such business is carried on.

§26 Notice of assessment to bank or banking association. The assessors of every tax district shall within 10 days after they have completed the assessment of the stock of a bank or banking association, give written notice to such bank or banking association of such assessment of the shares of its respective shareholders, and no personal or other notice to such shareholders of such assessment is required.

ARTICLE 4

Collection of taxes

§72 Collection of taxes assessed against stocks in banks and banking associations. Every bank or banking association shall retain any dividend until the delivery to the collector of the tax roll and warrant of the current year, and within 10 days after such delivery, shall pay to such collector so much of such dividend as may be necessary to pay any unpaid taxes assessed on the stock upon which such dividend is declared. In case the owner of such stock resides in a place other than where the bank or banking association is located, the same power may be exercised in collecting the tax so assessed as is given in case a person has removed from a tax district in which the assessment was made. The tax so assessed shall be and remain a lien on the shares of stock against which it is assessed till the payment of such tax, and if the stock is transferred it shall be subject to such lien. The collector or county

treasurer may foreclose such lien in any court of record, and collect from the avails of the sale of the stock the tax assessed against the same. In addition thereto, the same remedy may be had for the collection of the tax on such shares as is now provided by law for enforcing payment of personal tax against residents.

Apportioning valuation of railroads, telegraph, telephone and pipe line companies between school districts

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE 2

Mode of assessment

§39 Assessors to apportion valuation of railroad, telegraph, telephone, or pipe line companies between school districts. The assessors of each town in which a railroad, telegraph, telephone or pipe line company is assessed upon property lying in more than one school district therein, shall, within 15 days after the final completion of the roll, apportion the assessed valuation of the property of each of such corporations among such school districts. Such apportionment shall be signed by the assessors or a majority of them, and be filed with the town clerk within five days thereafter, and thereupon the valuation so fixed shall become the valuation of such property in such school district for the purpose of taxation. In case of failure of the assessors to act, the supervisor of the town shall make such apportionment on request of either the trustees of any school district or of the corporation assessed. The town clerk shall furnish the trustees a certified statement of the valuations apportioned to their respective districts. In case of any alteration in any school district affecting the valuation of such property, the officer making the same shall fix and determine the valuations in the districts affected for the current year.

Railroad companies—collection of taxes

CHAPTER 675

An act to facilitate the payment of school taxes by railroad companies

Passed July 25, 1881

§1 It shall be the duty of the school collector in each school district in this state, except in the counties of New York, Kings

E As amended by chapter 533, laws of 1885.

and Cattaraugus, within five days after the receipt by such collector of any and every tax or assessment roll of his district, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad company appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies. It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent of any such railroad company assessed for taxes at the station nearest to the office of such county treasurer, personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of tax to be paid by such railroad company.

§2 Any railroad company heretofore organized, or which may hereafter be organized, under the laws of this state, may within 30 days after the receipt of such statement by such county treasurer, pay the amount of tax so levied or assessed against it in such district and in such statement mentioned and contained with 1 per centum fees thereon, to such county treasurer, who is hereby authorized and directed to receive such amount and to give proper receipt therefor.

§3 In case any railroad company shall fail to pay such tax within said 30 days, it shall be the duty of such county treasurer to notify the collector of the school district in which such delinquent railroad company is assessed, of its failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect such unpaid tax in the manner now provided by law, together with 5 per centum fees thereon; but no school collector shall collect by distress and sale any tax levied or assessed in this district upon the property of any railroad company until the receipt by him of such notice from the county treasurer.

§4 The several amounts of tax received by any county treasurer in this state, under the provisions of this act, of and from railroad companies, shall be by such county treasurer placed to the credit of the school district for or on account of which the same was levied or assessed, and on demand paid over to the school collector thereof, and the 1 per centum fees received therewith shall be placed to the credit of, and on demand paid to, the school collector of such school district.

§5 Nothing in this act contained shall be construed to hinder, prevent or prohibit any railroad company from paying its school tax to the school collector direct, as now provided by law.

§6 This act shall take effect immediately.

Exemptions from taxation—Dwelling-house and land owned by religious corporation, when exempt, and real and personal property of a minister of the gospel or priest

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

Took effect June 15, 1896

ARTICLE I

Taxable property and place of taxation

§4 Exemptions from taxation. The following property shall be exempt from taxation. . . .

9 All dwelling-houses and lots of religious corporations while actually used by the officiating clergymen thereof, but the total amount of such exemption to any one religious corporation shall not exceed \$2000. Such exemption shall be in addition to that provided by subdivision 7 of this section. . . .

11 The real property of a minister of the gospel or priest who is regularly engaged in performing his duties as such, or permanently disabled, by impaired health from the performance of such duties, or over 75 years of age, and the personal property of such minister or priest, but the total amount of such exemption on account of both real and personal property shall not exceed \$1500.

Real and personal property of corporations and associations organized exclusively for moral, mental, religious purposes, etc., exempt from taxation

CHAPTER 908

An act in relation to taxation, constituting chapter 24 of the general laws

ARTICLE I

Taxable property and place of taxation

1§4 Exemption from taxation. The following property shall be exempt from taxation:

* * * * *

7 The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic,

¹As amended by chapter 371, laws of 1897.

historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes; and the personal property of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes, and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes, but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion to the extent of the value of such remaining or other portion shall be subject to taxation. Provided, however, that a lot or building owned, and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to, the maintenance and support of such hospital. Property held by any officer of a religious denomination shall be entitled to the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation.

Real property purchased with proceeds of pensions granted by the United States, for military or naval services, subject to taxation for school purposes, etc.

Chapter 347, laws of 1897, section 1, amends subdivision 5 of section 4 of chapter 908, laws of 1896, entitled "An act in relation to taxation, constituting chapter 24 of the general laws," as follows:

§1 Subdivision 5 of section 4 of chapter 908 of the laws of 1896, entitled "An act in relation to taxation, constituting chapter 24 of the general laws," is hereby amended to read as follows:

5 All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned and occupied by the pensioner, or by his wife or widow, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax districts. At the meeting of the assessors to hear the complaints concerning assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of pension money used in or toward the purchase of such property. If the assessors are satisfied that the applicant is entitled to the exemption, and that the amount of pension money used in the purchase of such property equals or exceeds the assessed valuation thereof, they shall enter the word "exempt" upon the assessment roll opposite the description of such property. If the amount of such pension money used in the purchase of the property is less than the assessed valuation, they shall enter upon the assessment roll the words "exempt to the extent of . . . dollars" (naming the amount) and thereupon such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation, but shall be taxable for local school purposes, and for the construction and maintenance of streets and highways. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The entries above required shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. The provision herein, relating to the assessment and exemption of property purchased with a pension apply and shall be enforced in each municipal corporation authorized to levy taxes.

Pay, bounty and pension money of soldiers and sailors and real property purchased therewith

CODE OF CIVIL PROCEDURE

¹§ 1393 The pay and bounty of a noncommissioned officer, musician or private in the military or naval service of the United States or the State of New York; a land warrant, pension or other reward, heretofore or hereafter granted by the United States, or by a state, for military or naval services; a sword, horse, medal, emblem or device of any kind presented as a testimonial for services rendered in the military or naval service of the United States or a state; and the uniform, arms and equipments which were used by a person in that service, are also exempt from levy and sale, by virtue of an execution, and from seizure for nonpayment of taxes, or in any other legal proceeding; except that real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned by the pensioner, or by his wife or widow, is subject to seizure and sale for the collection of taxes or assessments lawfully levied thereon.

NOTE. The Court of Appeals of this state, in *Yates County National Bank v. Carpenter*, 119 N.Y. 550, held where such money (pay and bounty, land warrant, pensions or other reward) can be traced directly to the purchase of property, necessary or convenient for the support of the pensioner and his family, such property is made exempt by the above section.

A. By the revised statutes of this state, all property exempted by law from execution shall be exempt from taxation.

CHAPTER 502, LAWS OF 1902

An act to provide for a uniform tax in the several towns of the county of St Lawrence for the maintenance of common schools, and for the levy, collection, custody and disbursement thereof

Became a law Ap. 10, 1902, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1 At any biennial town meeting held after the passage of this act, in the several towns of the county of St Lawrence, there may be submitted to the electors thereof, upon the written request of not less than 25 taxpayers entitled to vote thereon, such request having been filed with the town clerk at least 30 days before such biennial town meeting, the question, "Shall a uniform system of taxation for the maintenance of the common schools be adopted in the town of?" If a majority of the ballots

¹As amended by chapter 318, of 1897.

cast shall be in the affirmative, further proceedings under this act shall be taken as hereinafter provided.

§2 On or before the day of the meeting of the town board for the audit of town accounts in each year, following the adoption of this act, by any town in the county of St. Lawrence, the trustee or trustees of the several common school districts in such town shall file with the town clerk, a statement of the sum of money necessary to maintain the common school in said common school district in the following form:

I (or we), the undersigned trustee (or trustees) of school district number , of the town of , State of New York, do hereby certify that the following sums are required for the maintenance of district school number , of the town of , State of New York, for the fiscal year beginning Sep. 1, and ending June 30,

For salary for teachers.....	\$
For library funds.....	
For repairs to school buildings.....	
For miscellaneous expenses.....	
<hr/>	
Total.....	\$

§3 It shall be the duty of the town clerk to deliver said certificates of the trustee or trustees of the several common school districts, to the town board of each town adopting this system on the day of the meeting of the town board for the audit of town accounts in each year, and the said town board shall include the gross sum called for by the several said certificates or so much thereof as may be necessary, in their annual town schedule of expenses, to be certified to the board of supervisors in the county in which the said town is situated in the same manner as other town expenses, and the said board of supervisors shall levy such amount in the next succeeding tax levy of the town, in the same manner as other town taxes are collected. The amounts thus collected in each town shall be paid by the town collector to the supervisor of the town and by him paid out on the order of the trustee or trustees of the several common school districts to the amount to which each district is entitled, in the same manner as the public school funds are now disbursed. The collector shall be paid the same rate per centum for collection as is now allowed by law for the collection of moneys, and for the same powers and to be subject to the same liabilities. The collector or supervisor shall give bonds to the

amount now required by law in the collection, custody and disbursement of town funds.

§4 It shall be the duty of the town clerk to furnish the trustee or trustees of each common school district the forms in blank provided for in section 2 of this act. The cost thereof shall be a town charge.

§5 Any school district lying partly in the town which had adopted the system of taxation provided by this act, and partly in a town not having adopted said system, shall, for the purpose of this act, be considered as lying wholly in the town not having adopted said system, and shall so continue until such time as both towns have adopted said system of taxation. In case both towns have adopted the system of taxation provided by this act, then the trustee or trustees in such school district shall certify to the town clerk in each town the sum required for the maintenance of such district school, and the said sum shall be divided between the towns in proportion to the assessed valuation of property, real and personal, in the different parts of said district in each town, and the amount so divided, shall be included in the schedule of town expenses in each town in the same manner as heretofore provided in this act.

§6 Under the provisions of this act town boards shall have the power by resolution with the consent in writing of the school commissioner of the district in which such town is situated, to annul or consolidate common school districts, and to provide for the transportation and maintenance of pupils in any common school district in such town.

§7 It shall be the duty of the supervisor to keep a separate account with each common school district, in any town adopting this act, in said town. He shall not pay for the account of any common school district, upon the order of the trustee or trustees, as provided in this act, a larger sum of money than the sum of money approved by the town board of said district, and levied and collected under the provisions of this act.

§8 Whenever any town shall have adopted the system of taxation for the maintenance of common schools provided for in this act, the board of education of any union free school therein, maintaining a department for secondary education, shall receive into such academic department, pupils sufficiently advanced to enter therein, without the payment of any tuition therefor. And such boards of education in such union free school districts are hereby empowered to establish the grades and prescribe such examina-

tions as may be necessary to carry into effect the provisions of this act, and such grading and examination shall be uniform and regulate the admissions thereto of all pupils residing within such township.

§9 All acts or parts of acts which are inconsistent or in conflict with the provisions of this act are hereby repealed.

§10 This act shall take effect immediately.

Holidays

CHAPTER 677

An act relating to the construction of statutes constituting chapter 1 of the general laws

Passed May 18, 1892. As amended by chapter 614, laws of 1897

§24 The term holiday includes the following days in each year: the 1st day of January, known as New Year's day; the 12th day of February, known as Lincoln's birthday; the 22d day of February, known as Washington's birthday; the 30th day of May, known as Memorial day; the 4th day of July, known as Independence day; the 1st Monday of September, known as Labor day, and the 25th day of December, known as Christmas day, and if either of such days is Sunday, the next day thereafter; each general election day and each day appointed by the President of the United States or by the Governor of this state as a day of general thanksgiving, general fasting and prayer, or other general religious observances. The term, half holiday, includes the period from noon to midnight of each Saturday which is not a holiday. The days and half days aforesaid shall be considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this state, or counties of this state. On all other days and half days, excepting Sundays, such offices shall be kept open for the transaction of business.

NOTE. By section 6 of title 2, chapter 556, laws of 1894, the consolidated school law, all legal holidays that may occur during the terms of school during every school year, of 160 days of school, are included as parts of said 160 days, and exclusive of Saturdays. No Saturday shall be counted as part of said 160 days of school, and no school shall be in session on a legal holiday.

CHAPTER 528, LAWS OF 1905

An act to amend the Greater New York charter, relative to Anniversary day, so called, as a holiday in the public schools of the borough of Brooklyn, city of New York

Accepted by the city

Became a law May 18, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Title 4 of chapter 18 of the Greater New York charter, as reenacted by chapter 466 of the laws of 1901, is hereby amended by adding at the end thereof a new section to be known as section 11162, and to read as follows:

§11162 Anniversary day as a holiday in the public schools of the borough of Brooklyn. The 8th day of June in the year 1905 and thereafter the first Thursday in June in each year, except in those years when the first Thursday in June occurs in the same week with Memorial day, and in such years the second Thursday in June, known as Anniversary day, and celebrated in commemoration of the organization of Sundays¹ schools, is hereby made and declared to be a holiday in all the public schools in the borough of Brooklyn, city of New York, and the board of education of such city is hereby authorized and directed to cause all the public schools in such borough to be closed on such day.

§2 This act shall take effect immediately.

Actions by and against trustees of school districts

CODE OF CIVIL PROCEDURE

§1926 Actions by certain specified officers. An action or special proceeding may be maintained, by the trustee or trustees of a school district; the overseer or overseers of the poor of a village, or city; the county superintendent or superintendents of the poor; or the supervisors of a county, upon a contract, lawfully made with those officers or their predecessors, in their official capacity; to enforce a liability created, or a duty enjoined, by law, upon those officers, or the body represented by them; to recover a penalty or a forfeiture, given to those officers, or the body represented by them; or to

¹So in the original.

²As amended by chapter 302. laws of 1897.

recover damages for an injury to the property or rights of those officers, or the body represented by them; although the cause of action accrued before the commencement of their term of office.

§1927 An action or special proceeding may be maintained against any of the officers specified in the last section (1926), upon any cause of action, which accrues against them, or has accrued against their predecessors, or upon a contract made by their predecessors in their official capacity, and within the scope of their authority.

[See also §1928, 1929 and 1930.]

Section 1931 provides that an execution can be issued upon a judgment for a sum of money against the trustee or trustees of a school district, and such execution may be issued against and be collected out of the property of such officers, and the sum collected must be allowed to him on the settlement of his official accounts, except as otherwise specially prescribed by law.

Chapter 318, laws of 1904, amends the Code of Civil Procedure relative to the enforcement in the state of a judgment for divorce or separation rendered in another state *requiring the husband to provide for the education and maintenance of his children and the support of his wife.*

NOTE. By section 83, article 7, title 7 of consolidated school law, chapter 556, laws of 1894, it is provided, "Whenever any sum or sums of money payable by any person or persons named in such tax list, shall not be paid by such person or persons, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustee or trustees may sue for and recover the same in their name of office."

A. See subdivision 17, section 14 of article 1, title 7 of the consolidated school law, chapter 556, laws of 1894, relative to payment of judgments obtained in actions against trustees of districts for unpaid teachers' wages; also sections 4 and 5 of article 1 of title 15 of the consolidated school law, as to payment of costs and damages in actions or proceedings brought by or against trustees of districts.

PENAL CODE

§46 **Attempting to prevent officers from performing duty.** A person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

§47 **Resisting officers..** A person who knowingly resists by the use of force or violence, any executive officer, in the performance of his duty, is guilty of a misdemeanor.

§57 **Officer refusing to surrender to successor.** A person who, having been an executive or administrative officer, wrongfully refuses to surrender the official seal, or any books or papers appertaining to his office, upon the demand of his lawful successor, is guilty of a misdemeanor.

§58 Administrative officers. The various provisions of this chapter which relate to executive officers apply to administrative officers, in the same manner as if administrative and executive officers were both mentioned.

§94 Injury, etc., to public records. A person who, wilfully and unlawfully removes, mutilates, destroys, conceals, or obliterates a record, map, book, paper, document, or other thing, filed or deposited in a public office or with any public officer by authority of law, is punishable by imprisonment for not more than five years, or by a fine, not more than \$500, or by both.

§114 Injury to records and misappropriation by ministerial officers. A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who either:

1 Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2 Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office, is guilty of felony.

§117 Neglect of public officers. A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor.

§223 Use of force or violence, declared not unlawful, etc. To use or attempt, or offer to use, force or violence upon or toward the person of another is not unlawful in the following cases:

4 When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, and the force or violence used is reasonable in manner and moderate in degree;

§448 Disturbing lawful meetings. A person who, without authority of law, wilfully disturbs any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

§470 Misappropriation, etc., and falsification of accounts by public officers. A public officer, or a deputy, or clerk of any such officer, and any other person receiving money on behalf of, or for account of the people of this state, or of any department of the government of this state, or of any bureau or fund created by law, and in which the people of this state are directly or indirectly interested, or for or on account of any city, county, village or town, who

1 Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or

2 Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him, or

3 Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or

4 Wilfully omits or refuses to pay over to the people of this state or their officer or agent authorized by law to receive the same, or to such city, village, county or town, or the proper officer or authority empowered to demand and receive the same, any money received by him as such officer, when it is his duty imposed by law to pay over, or account for, the same; is guilty of felony.

§471 Other violations of law. An officer or other person mentioned in the last section who wilfully disobeys any provision of law regulating his official conduct, in cases other than those specified in that section is guilty of a misdemeanor, punishable by a fine not exceeding \$1000, or imprisonment not exceeding two years, or both.

§473 A public officer or school officer, who is authorized to sell or lease any property, or to make any contract in his official capacity, or to take part in making any such sale, lease or contract, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, except in cases where such sale, lease or contract, or payment under the same, is subject to audit or approval by the Superintendent of Public Instruction, is guilty of a misdemeanor.

§485 Making false statement in reference to taxes. A person who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, wilfully makes, as to any material matter, any statement which he knows to be false, is guilty of a misdemeanor.

§485a School district trustee not to draw draft on supervisor in certain cases. A school district trustee who issues an order or draws a draft on supervisor or collector for any money, unless there is at the time sufficient money in the hands of such supervisor or collector belonging to the district to meet such order or draft, is guilty of a misdemeanor.

§505 Unlawfully entering building. A person who, under circumstances or in a manner not amounting to a burglary, enters a

building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

§515 Other cases of forgery in third degree. A person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property, either

1 Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individuals; or

2 Makes a false entry in any such account or book of accounts; or

3 Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction; is guilty of forgery in the third degree.

Division of school commissioner districts—Erection of

CHAPTER 686

An act in relation to counties, constituting chapter 18 of the general laws

Passed May 18, 1892

THE COUNTY LAW

Article Eleven—boards of supervisors

§12 The board of supervisors shall:

9 Divide any school commissioner's district within the county which contains more than 200 school districts, and erect therefrom an additional school commissioner's district, and when such district shall have been formed, a school commissioner for the district shall be elected in the manner provided by law for the election of school commissioners.

CHAPTER 362, LAWS OF 1895

An act to provide that additional facilities for free instruction in natural history, geography and kindred subjects, by means of pictorial representation and lectures, may be furnished to the free common schools of each city and village of the state that has, or may have, a superintendent of free common schools.

Became a law Apr. 19, 1895, with the approval of the Governor. Passed, three fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The State Superintendent of Public Instruction is hereby authorized to furnish additional facilities for instruction in natural history, geography and kindred subjects, by means of pictorial representation and lectures, to the free common schools of each city and village of the state that has or may have a superintendent of free common schools. The local school authorities may, in their discretion, cause the aforesaid illustrated lectures to be repeated to their artisans, mechanics and other citizens on the legal holidays and at other times. Any institution instructing a teachers training class, or any union free school may have the free use of the apparatus provided by this act upon the payment to the superintendent of schools loaning the same of necessary expenses incurred in such use or for any loss or injury to said property. Said superintendent may, from time to time, establish the rules and regulations and make and enter into the contracts necessary for carrying out the provisions of this act.

§2 The annual report of each school superintendent to the Department of Public Instruction shall contain a full statement of the extent to which the instructions described may be given and his judgment of the usefulness of the same.

§3 The sum of \$25,000 is hereby appropriated, from any moneys not otherwise appropriated, for the preparation for and the support and maintenance of said instruction for the year beginning on the first day of January, 1895, payable by the Treasurer upon the warrant of the Comptroller, upon vouchers approved by the Superintendent of Public Instruction and audited by the Comptroller, and the sum of \$25,000 shall be appropriated annually thereafter, in the general appropriation bill, for the preparation for and the support and maintenance of said instruction for the term of four years from the first day of January, 1895.

§4 This act shall take effect immediately.

Continuing free instruction in natural history, geography and kindred subjects, etc.

CHAPTER 97, LAWS OF 1897

An act to continue free instruction in natural history, geography and kindred subjects in certain institutions, and making an appropriation therefor

Became a law March 23, 1897, with the approval of the Governor. Passed, three fifths being present

§1 The State Superintendent of Public Instruction is hereby authorized to enter into an agreement with the American Museum of Natural History, in the city of New York, for continuing the instruction of natural history, geography and kindred subjects in the several state normal schools, the Normal College of the City of New York, the training school for teachers in the city of Brooklyn, the teachers institutes in the different counties of the state, and to the teachers in the common schools of the city of New York, Brooklyn and vicinity, authorized by chapter 428 of the laws of 1886, by chapter 337 of the laws of 1888, by chapter 43 of the laws of 1891, and by chapter 6 of the laws of 1893, for the further term of four years from the 1st day of January, 1897.

§2 Said instruction may include free illustrated lectures to artisans, mechanics and other citizens, on such legal holidays as the State Superintendent and museum authorities may agree upon.

§3 The sum of \$18,000, payable from the free school fund, is hereby appropriated for the preparation for and the support and maintenance of said course of instruction, for the year beginning on the 1st day of January, 1897; and the sum of \$18,000 shall be appropriated annually thereafter in the general appropriation bill for the preparation for and the support and maintenance of said course of instruction during the term of the agreement authorized by this act.

CHAPTER 489

An act to provide that additional facilities for free instruction in natural history, geography and kindred subjects, by means of pictorial representation and lectures, may be furnished to the free common schools of each city and village of the state that has, or may have, a superintendent of free common schools

Took effect May 2, 1899

§1 The State Superintendent of Public Instruction is hereby authorized to furnish additional facilities for instruction in natural

history, geography and kindred subjects, by means of pictorial representation and lectures, to the free common schools of each city and village of the state that has, or may have, a superintendent of free common schools. The local school authorities may, in their discretion, cause the aforesaid illustrated lectures to be repeated to their artisans, mechanics and other citizens on the legal holidays and at other times. Any institution instructing a teachers training class, or any union free school, may have the free use of the apparatus provided by this act upon the payment to the superintendent of schools loaning the same of necessary expenses incurred in such use or for any loss or injury to said property. Said superintendent may, from time to time, establish the rules and regulations and make and enter into the contracts necessary for carrying out the provisions of this act.

§2 The annual report of each school superintendent to the Department of Public Instruction shall contain a full statement of the extent to which the instructions described may be given and his judgment of the usefulness of the same.

§3 The sum of \$20,000 is hereby appropriated, from any moneys not otherwise appropriated, for the preparation for and the support and maintenance of said instruction for the year beginning on the 1st day of January, 1899, payable by the Treasurer upon the warrant of the Comptroller, upon vouchers approved by the Superintendent of Public Instruction and audited by the Comptroller, and the sum of \$20,000 shall be appropriated annually thereafter, in the general appropriation bill, for the preparation for and the support and maintenance of said instruction for the term of four years from the 1st day of January, 1899.

§4 The State Superintendent of Public Instruction is hereby authorized, under such rules and regulations as he may establish, to permit the slides for illustrative teaching prepared under the provisions of this act, to be sold to such educational institutions of this state as give free instruction to a portion of their pupils, and are, or may be, hereafter chartered by special acts of the Legislature or organized under the general laws of this state.

§5 This act shall take effect immediately.

Normal schools**CHAPTER 311**

[I ALBANY]

An act for the establishment of a normal school

Passed May 7, 1844

§1 The Treasurer shall pay on the warrant of the Comptroller, to the order of the Superintendent of Common Schools, from that portion of the avails of the literature fund appropriated by chapter 241 of the laws of 1834, to the support of academical departments for the instruction of teachers of common schools, the sum of \$9600; which sum shall be expended under the direction of the Superintendent of Common Schools, and the Regents of the University, in the establishment and support of a normal school for the instruction and practice of teachers of common schools in the science of education and in the art of teaching, to be located in the county of Albany.

§2 The sum of \$10,000 shall, after the present year, be annually paid by the Treasurer on the warrant of the Comptroller, to the Superintendent of Common Schools, from the revenue of the literature fund, for the maintenance and support of the school so established, for five years, and until otherwise directed by law.

§3 The said school shall be under the supervision, management and government of the Superintendent of Common Schools and the Regents of the University. The said Superintendent and Regents shall from time to time, make all needful rules and regulations, to fix the number and compensation of teachers and others to be employed therein, to prescribe the preliminary examination and the terms and conditions on which pupils shall be received and instructed therein, the number of pupils from the respective cities and counties, conforming as nearly as may be to the ratio of population, to fix the location of the said school, and the terms and conditions on which the grounds and buildings therefor shall be rented, if the same shall not be provided by the corporation of the city of Albany, and to provide in all things for the good government and management of the said school. They shall appoint a board consisting of five persons, of whom the said Superintendent shall be one, who shall constitute an executive committee for the care, management and government of the said school under the rules and regulations prescribed as aforesaid, whose duty it shall be from time to time to make full and detailed reports to the said Superintendent and Regents, and among other things to recommend the

rules and regulations which they deem necessary and proper for the said school.

§4 The Superintendent and Regents shall annually transmit to the Legislature a full account of their proceedings and expenditures of money under this act, together with a detailed report by said executive committee of the progress, condition and prospects of the school.

The foregoing was the first provision made by law in this state for the establishment of any normal school. Though general in the sense of being for the benefit of the state, the school was located at Albany, and to provide uniformity in arrangement, the act is inserted here with other local acts relating to normal schools.¹ The laws providing for the establishment of normal schools generally will follow.

The preceding act was regarded as experimental and for a term of five years only. At the expiration of the term, the institution, still at the time the only one in the state, was permanently established by the following act:

CHAPTER 318

An act for the permanent establishment of the normal school

Passed Ap. 12, 1848

§1 The Treasurer shall pay on the warrant of the Comptroller, to the order of the State Superintendent of Common Schools, from the general fund, a sum not exceeding \$15,000, to be expended in the erection of a suitable building for the accommodation of the State Normal School for the instruction and practice of teachers of common schools, in the science of education and the art of teaching.

§2 The said building shall be erected under the direction of the executive committee of the school, upon the ground owned by the state, and lying in the rear of the geological rooms.

§3 The said school shall be as heretofore, under the supervision, management and government of the State Superintendent of Common Schools, and the Regents of the University. The said Superintendent and Regents shall from time to time, make all needful rules and regulations, to fix the number and compensation of teach-

¹ At a meeting of the Regents of the University held Mar. 13, 1890, the corporate name of the Albany Normal School was changed to the New York State Normal College.

ers and others to be employed therein; to prescribe the preliminary examination, and the terms and conditions on which pupils shall be received and instructed therein; the number of pupils from the respective counties conforming as nearly as may be to the ratio of population, and to provide in all things for the good government and management of the said school. They shall appoint a board consisting of five persons, of whom the said Superintendent shall be one, who shall constitute an executive committee for the care, management and government of said school, under the rules and regulations prescribed as aforesaid, whose duty it shall be from time to time to make full and detailed reports to the said Superintendent and Regents, and among other things to recommend the rules and regulations which they deem necessary and proper for the said school.

§4 The Superintendent and Regents shall annually transmit to the Legislature a full account of their proceedings and of the expenditures of money under this and previous acts, together with a detailed report of the progress, condition and prospects of the school.

CHAPTER 466

An act in regard to normal schools

Passed Ap. 7, 1866

§1 The Governor, the Lieutenant Governor, the Secretary of State, the Comptroller, the State Treasurer, the Attorney General and the Superintendent of Public Instruction, shall constitute a commission to receive proposals in writing in regard to the establishment of normal and training schools for the education and discipline of teachers for the common schools of this state from the board of supervisors of any county in this state; from the corporate authority of any city or village, from the board of trustees of any college or academy, and from one or more individuals. Such commission shall have power to accept or refuse such proposals, but the number accepted shall not exceed four. Such proposals shall contain specifications for the purchase of lands and the erection thereon of suitable buildings for such schools, or for the appropriation of land and buildings to such use, and also the furnishing of such schools with furniture, apparatus, books and everything necessary to their support and management. Such proposals may have in view either the grant and conveyance of such land and premises to the state, or the use of the same for a

limited time, and for the gift to the state of furniture, apparatus, books and other things necessary to conduct such schools.

§2 If the proposals made by any board of supervisors or by the corporate authorities of any city or village shall be accepted, said board or corporate authorities shall have power to raise by tax and expend the money necessary to carry the same into effect, and if in their judgment it shall be deemed expedient, they shall have power to borrow money for such purpose, for any time not exceeding 10 years, and at a rate of interest not exceeding 7 per cent and issue the corporate bonds of said county, city or village therefor.

¹ ²§3 When the said commission shall have accepted proposals and determined the location of any one of such schools, and when suitable grounds and buildings have been set apart and appropriated for such schools, and all needful preparations made for opening same in accordance with the proposals accepted, the commission shall certify the same in writing, and then their power under this act in relation to such school shall cease, and thereupon the Superintendent of Public Instruction shall appoint a local board, consisting of not less than three persons, who shall, respectively, hold their offices until removed by the concurrent action of the Chancellor of the University and the Superintendent of Public Instruction, and who shall have the immediate supervision and management of such school, subject, however, to his general supervision and to his direction in all things pertaining to the school. Such local board shall have power to appoint one of their number chairman, one secretary and another treasurer of the board. The secretary may also be treasurer. The treasurer shall give an undertaking to the people of the state for the faithful performance of his trust, in an amount fixed by the Superintendent of Public Instruction. The undertaking shall be approved by the Superintendent and filed in the office of the Comptroller. The secretary and the treasurer shall each be paid an annual salary to be fixed by the local board, with the approval of the Superintendent of Public Instruction, but the aggregate amount of such salaries shall not exceed \$400. A majority of each of said boards shall form a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed pro tempore to fill his place and perform his duties. It shall be the duty of such board to make and establish, and from time to time to alter and amend, such rules and regulations for the government of such

¹ As amended by section 1, chapter 224, laws of 1897.

² As amended by section 1, chapter 472, laws of 1901.

schools under their charge, respectively, as they shall deem best, which shall be subject to the approval of the Superintendent of Public Instruction. They shall also severally transmit through him, and subject to his approval, a report to the Legislature on the 1st day of January in each year, showing the condition of the school under their charge during the year next preceding, and which report shall be in such form and contain such an account of their acts and doings as the Superintendent shall direct, including, especially, an account in detail of their receipts and expenditures, which shall be duly verified by the oath or affirmation of their chairman and secretary.

§4 It shall be the duty of the local board, subject to the approval of the Superintendent of Public Instruction, to prescribe the course of study to be pursued in each of said schools. It shall be the duty of the Superintendent of Public Instruction to determine what number of teachers shall be employed in each school, and their wages, whose employment shall also be subject to his approval; to order, in his discretion, that one or more of said schools shall be composed exclusively of males and one or more of females; to decide upon the number of pupils to be admitted to each of said schools, and to prescribe the time and manner of their selection, but he shall take care in such selection to provide that every part of the state shall have its proportionate representation in such school as near as may be according to population; but if any school commissioner district or any city, shall not, for any cause, be fully represented in either of said schools, then the Superintendent of Public Instruction may cause the maximum number of such pupils to be supplied from any part of the state, giving preference, however, to those living in the county, city or village where such school is situated.

§5 All applicants for admission shall be residents of this state, or, if not, they shall be admitted only upon the payment of such tuition fees as shall be, from time to time, prescribed by the Superintendent of Public Instruction. Applicants shall present such evidences of proficiency or be subject to such examination at the school as shall be prescribed by said Superintendent. From and after the 20th day of August, 1889, it shall not be lawful for any such school to receive into any academic department connected therewith, any pupil not a resident of the territory, for the benefit or advantage of whose residents the state has pledged itself to maintain such academic department. When admitted, students,

¹As amended by chapter 142, laws of 1889.

unless they are students in the academic or practice department or are nonresidents, shall be entitled to all the privileges of the school, free from all charges for tuition or for the use of books or apparatus, but every pupil shall pay for books lost by him, and for any damage to books in his possession; any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties.

§6 The Superintendent of Public Instruction shall prepare suitable diplomas to be granted to the students of such school, who shall have completed one or more of the courses of study and discipline prescribed, and a diploma signed by him, the chairman and secretary of the local board and the principal of the school, shall be of itself a certificate of qualification to teach common schools, but such diploma may be annulled for the immoral conduct of its holder in like manner as provided for the annulment of a diploma of state normal school, in title 2, chapter 555, of the laws of 1864. The provisions of this section shall be applicable to the Oswego Normal Training School.

§7 The sum of \$12,000 shall be annually and is hereby appropriated for the support of each said normal and training schools to be organized under this act, payable out of the income of the common school fund, to be paid by the Treasurer, on the warrant of the Comptroller upon the certificate of the Superintendent of Public Instruction affixed to the proper accounts verified by the oath or affirmation of the local board of each school; but none of the money hereby appropriated shall be paid for the purchase of any ground, site or buildings for the use of such schools.

¹§8 Local boards appointed under this act shall consist of not more than 13 persons, and the office of any member of any such local board, which now consists of more than 13 members, is hereby declared vacant; and the said Superintendent of Public Instruction shall appoint a new local board, and may fill, by appointment, all vacancies occurring in said local boards. Until the appointment of such new local board, and until a quorum of such board shall have entered upon the discharge of its duties, and during such time as any local board shall omit to discharge its duties, the said Superintendent is authorized to discharge the duties of such local boards or any of its officers; and the acts of said Superintendent in the premises shall be as valid and as binding as if done by a competent local board or its officers, or with their cooperation.

¹ Added by chapter 18, laws of 1869.

¹§9 The local board of control of the state normal school at Fredonia shall have the same powers and privilege in respect to practice departments as boards of education, under subdivision 3 of section 15 and section 16 of title 8 of the consolidated school law.

State normal and training schools were established under the provisions of the foregoing act and special acts, as follows:

Brockport. Chapters 21 and 96, laws of 1867.

Buffalo. Chapter 583, laws of 1867.

Cortland. Chapter 199, laws of 1867; chapter 174, laws of 1868.

Fredonia. Chapter 223, laws of 1867.

Geneseo. Chapter 195, laws of 1867; chapter 601, laws of 1868, and chapter 294, laws of 1871.

Oswego. Chapter 418, laws of 1863, as amended by chapter 445, laws of 1865; chapter 170, laws of 1867.

Potsdam. Chapter 6, laws of 1867.

New Paltz. Chapter 287, laws of 1885.

Oneonta. Chapter 374, laws of 1887.

Plattsburg. Chapter 517, laws of 1889.

²Jamaica. Chapter 553, laws of 1893.

NOTE. There is also a normal college in the city of New York and training schools in other cities of the state maintained by local authorities.

Custody and preservation of normal school buildings

CHAPTER 348

An act concerning the grounds, buildings and property of the state provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto

Passed May 20, 1880

§1 The local boards of managers of the respective normal schools in this state shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the state pertaining thereto, with power to protect, preserve and improve the same.

³§2 [Section 2 providing for the punishment for wilful trespass, repealed by subdivision 55 of section 1 of chapter 593, laws of 1886.]

§3 For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and

¹ Added by chapter 677, laws of 1904.

² Transferred to the city of New York by chapter 524, laws of 1905.

³ Chapter 14 of the Penal Code provides a penalty for such offenses.

preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local board of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and the same to remove at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any wilful trespass upon such grounds, or in or upon said buildings, or any part thereof, and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

§4 This act shall take effect immediately.

Insurance of property of normal schools

CHAPTER 443

An act to amend chapter 116 of the laws of 1882, entitled "An act authorizing the local board of the state normal schools of this state to insure the buildings and property belonging to said schools for the benefit of the state"

Became a law May 3, 1894, with the approval of the Governor. Passed, three fifths being present

§1 Section 1 of chapter 116 of the laws of 1882, entitled "An act authorizing the local boards of the state normal schools of this state to insure the buildings and property belonging to said schools for the benefit of the state," is hereby amended so as to read as follows:

§1 The local board of each state normal school of this state is hereby authorized to insure and keep insured for the benefit of the state all the real and personal property belonging to said school, and to pay for the same out of any money or moneys appropriated by the state, from time to time, for the maintenance of said school; and any insurance already effected by any such board is hereby ratified and confirmed.

§2 This act shall take effect immediately.

Insurance money**CHAPTER 488**

An act for the disposition and use of insurance moneys received for loss or damage of property in the state normal and training schools

Became a law May 4, 1894, with the approval of the Governor. Passed, three fifths being present

§1 Where any loss or damage, against which insurance exists, occurs to the real or personal property of any of the normal and training schools of the state, the moneys realized from such insurance shall be deposited by each company in which such property is insured in a bank to be designated by the State Comptroller, subject to the check of the local board of managers of such school, countersigned by the State Comptroller, and shall be kept as a separate fund to the credit of the local board of managers of such school, and shall be immediately available to be expended under the direction of such local board of managers, subject to the approval of the State Superintendent of Public Instruction, to repair or replace, wholly or partially, the real or personal property so damaged or destroyed.

§2 This act shall take effect immediately.

Indians—Appointments to normal schools**CHAPTER 89**

An act to provide for the support and education of a limited number of Indian youth, of the State of New York, at the state normal school

Passed Mar. 23, 1850

§1 The Treasurer shall pay, on the warrant of the Comptroller, to the order of the State Superintendent of Common Schools, from the general fund, a sum not exceeding \$1000 per year, for the support and education of 10 Indian youth in the State Normal School, which moneys are hereby appropriated for the purpose of this act.

§2 The selection of such youth shall be made by the State Superintendent of Common Schools, from the several Indian tribes located within this state; and in making such selection due regard shall be had to a just participation in the privileges of this act by each of the said several tribes, and, if practicable, reference shall also be had to the population of each of said tribes in determining such selection.

§3 Such youth shall not be under 16 years of age, nor shall any of such youth be supported or educated at said normal school for a period exceeding three years.

Tuition money in normal schools—How to be used

¹CHAPTER 492

Tuition money may be spent for current expenses, etc. The local boards of the several state normal schools are hereby authorized to expend, under the direction of the Superintendent of Public Instruction, the moneys now on hand received for tuition in any of the departments of the respective schools, and the moneys hereafter to be received for such tuition, for apparatus, repairs, insurance, furniture or other improvements upon the grounds or buildings, or for the ordinary expenses of the respective schools.

Normal schools—Local boards of, to accept money or property for benefit of such school

CHAPTER 165

An act to authorize the local board of any state normal and training school of this state to accept money or other property, for the benefit of such school

Passed Mar. 30, 1896

§1 By and with the sanction and consent of the Superintendent of Public Instruction of this state, it shall be lawful for the local board of managers of any state normal and training school of this state, to accept, for the state, the gift, grant, devise or bequest of money or other property, and to apply the same to any purpose, not inconsistent with the general purposes of such school, which shall be prescribed in the instrument by which such gift, grant, devise or request shall be made.

§2 This act shall take effect immediately.

¹ From the supply bill, laws of 1870.

CHAPTER 252, LAWS OF 1905

An act authorizing villages and cities to insure normal schools

Became a law Ap. 21, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be lawful for each village and city in this state, where-in is locate¹ a state normal and training school, to insure and keep insured, the real and personal property of such school against loss or damage by fire, when the state refuses to insure, or keep adequately insured, such property. The insurance is to be in the name of the state, and in case of loss, any moneys obtained from such insurance are to be used and disposed of the same as if the state had effected such insurance. The amount of insurance to be carried shall be determined by the municipal authorities of such village or city.

§2 The amount of money necessary to effect and continue such insurance shall be raised annually by such village or city at the same time, and in the same manner, as the ordinary expenses of the village or city are raised.

§3 This act shall take effect immediately.

CHAPTER 519, LAWS OF 1905

An act to amend the labor law relating to children working in streets and public places in cities of the first and second classes

Became a law May 17, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

§1 Sections 174, 177 and 179a of article 12 of chapter 415 of the laws of 1897, entitled "An act in relation to labor, constituting chapter 32 of the general laws," as amended by chapter 151 of the laws of 1903, are hereby amended to read as follows:

§174 Prohibited employment of children [in street trades. No male child under 10, and no girl under 16 years of age shall in any city of the first or second class sell or expose or offer for sale newspapers in any street or public place.

¹ So in the original.

§177 Regulations concerning badge and permit. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and such permit and badge shall expire at the end of one year from the date of their issue. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first or second class as a newsboy, or shall sell or expose or offer for sale newspapers in any street or public place without having upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

§179a Violation of this article, how punished. Any child who shall work in any city of the first or second class in any street or public place as a newsboy or shall sell or expose or offer for sale newspapers under circumstances forbidden by the provisions of this article, must be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.

§2 Nothing in this act contained shall be deemed or construed to repeal, amend, modify, impair or in any manner, affect any provision of the Penal Code or the Code of Criminal Procedure.

§3 This act shall take effect Sep. 1, 1905.

CHAPTER 546, LAWS OF 1904

An act to amend the town law, relative to fees for services of supervisors
Became a law May 3, 1904, with the approval of the Governor. Passed,
three fifths being present

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 178 of chapter 569 of the laws of 1890, entitled "An act in relation to towns, constituting chapter 20 of the general laws," is hereby amended by adding thereto a new subdivision to be known as subdivision 3 and to read as follows:

3 The supervisor of each town, except in the counties of Orange and Yates, shall be allowed and paid, in the same manner as other town charges are allowed and paid, a fee of 1 per centum on all

moneys paid out by him as such supervisor, including school moneys disbursed by him as provided in the consolidated school law, moneys paid out by him for damages arising from dogs killing or injuring sheep as provided in article 6 of the county law, moneys in his hands paid out by him for the relief of the poor, and all other town moneys paid out by him for defraying town charges, except moneys paid out by him upon the order of the highway commissioner pursuant to section 53 of the highway law. But no such fees shall be allowed or paid upon moneys paid over by him to his successor in office. Such fees shall be in full compensation for all services rendered by him in respect to moneys received and paid out by him as such supervisor as provided by law.

§2 This act shall take effect immediately.

CHAPTER 568, LAWS OF 1904

An act to amend section 131, chapter 689, of the laws of 1892 of the banking laws for the purpose of authorizing the organization of school savings banks in the public schools of this state

Became a law May 3, 1904, with the approval of the Governor. Passed, three fifths being present

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 131 as of chapter 689 of the laws of 1892, entitled "An act in relation to banking corporations," is hereby amended to read as follows:

§131 **Advertisements of unauthorized savings banks prohibited.** No bank, banking association, individual banker, firm, association, corporation, person or persons shall advertise or put forth a sign as a savings bank, or in any way solicit or receive deposits as a savings bank, except that it shall be lawful for the principal or superintendent of any public school or schools in the State of New York or for any persons designated for that purpose by the board of education or other school authority in which such school shall be situated to collect once a week or from time to time, small amounts of savings from the pupils of said school, the same to be deposited by said principal or superintendent on the day of collection in some savings banks in the state to the credit of the respective pupils from whom the money shall be collected, or if the amount collected

at any one time shall be deemed insufficient for the opening of individual accounts, in the names of said principal or superintendent, in trust, and to be by him eventually transferred to the credit of the respective pupils to whom the same belongs. In the meantime, said principal or superintendent shall furnish to the bank a list giving the names, signatures, addresses, ages, places of birth, parents' names and such other data concerning the respective pupils as the bank may require, and it shall be lawful to use the words "system of school savings banks" or "school savings banks" in circulars, reports and other printed or written matter used in connection with the purposes of this law. Any bank, banking association, individual banker, firm, association, corporation, person or persons violating this provision shall forfeit to the people of the state for every offense the sum of \$100 for every day such offense shall be continued.

§2 This act shall take effect immediately.

§4 The executive committee of the state normal school shall be the guardians of such Indian youth, during the period of their connection with the school; and shall pay their necessary expenses, not to exceed \$100 per year for each pupil, to be defrayed out of the money appropriated by the first section of this act.

§5 The Indian pupils selected in pursuance of this act, and attending said normal school, shall enjoy the same privileges, of every kind, as the other pupils attending said school, including the payment of traveling expenses, not exceeding \$10 to each pupil.

CHAPTER 222, LAWS OF 1895

An act to provide for the purchase and display of United States flags in connection with the public schools of the state

Became a law Ap. 3, 1895, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The school authorities of every public school in the several cities and school districts of this state shall purchase a United States flag, flagstaff and the necessary appliances therefor, and shall display such flag upon or near the public school building during school hours, and at such other times as the school authorities may direct. The necessary funds to defray the expense incurred

by this act shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

§2 This act shall take effect immediately.

CHAPTER 481, LAWS OF 1898

An act to provide for the display of the United States flag on the schoolhouses of the state, in connection with the public schools; and to encourage patriotic exercises in such schools

Became a law Ap. 25, 1898, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flagstaff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

§2 The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the schoolhouse.

§3 It shall be the duty of the State Superintendent of Public Instruction to prepare, for the use of the public schools of the state, a program providing for a salute to the flag at the opening of each day of school and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools. It shall also be his duty to make special provision for the observance in such public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law.

§4 The State Superintendent of Public Instruction is hereby authorized to provide for the necessary expenses incurred in developing and encouraging such patriotic exercises in the public school.

§5 Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

§6 This act shall take effect immediately.

CHAPTER 232, LAWS OF 1895

An act in relation to gospel funds and school lots in the several towns and counties of the state

Became a law Ap. 4, 1895, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be lawful for the supervisor of any town having money arising from the sale of gospel lands, and known as gospel funds, to apportion such among the several school districts of his respective town as hereinafter provided.

§2 Any town having a gospel fund of \$500 or less may apportion such fund with the consent and approval of a majority of the town board of such town.

§3 Any town having a gospel fund of more than \$500 may apportion such fund in like manner by a vote at any annual or special town meeting.

§4 Where such apportionment is made, the supervisor shall pay to the trustees of the several school districts of his town its pro rata share according to the aggregate school attendance of each school district in the preceding year.

§5 The trustees of such school districts shall execute and file with the supervisor of such town a bond of twice the amount of such apportionment, with sufficient sureties, to be approved by such supervisor.

§6 Such trustees, upon the receipt of such money, shall apply the same for such purposes as the school district in annual or special meeting shall decide.

§7 This act shall take effect immediately.

CHAPTER 550, LAWS OF 1895

An act in relation to a biennial school census

Became a law May 7, 1895, with the approval of the Governor, Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be the duty of the State Superintendent of Public Instruction, to take or cause to be taken, in the next ensuing October after the enactment of this law, and thereafter in every second year in the month of October, a school census, in all towns and cities of the state having a population of 10,000 or upwards; which shall ascertain the following facts, and he shall embody a summary of the same in his annual report, for the year in which said census is taken, viz, the names and ages of all persons between the ages of 4 and 16; the number of persons in each town or city coming within the application of this law; between the ages of 12 and 21 years, that are unable to read or write; the number of persons over 4 and under 16 years of age who do not attend school because they are obliged to work within school hours; the number of persons between 4 and 16 years who are attending other than public schools; and such other facts as in his judgment may be of importance in securing the information needed to carry out the requirements of article 9, section 1 of the state Constitution, or for the improvement of the common school system.

§2 In taking this school census, the Superintendent of Public Instruction is authorized to determine the work to be done by all the common school authorities and employees under his superintendency, and it shall be the duty of all such authorities and public officers having any civil authority in connection with the common school administration of the state or of said city or town, to aid said Superintendent in all proper ways in the discharge of his duties under this act.

§3 Whoever, being any parent or person having under his or her control, or in his or her charge, a child between the ages of 4 and 16 years, refuses or withholds information in his or her possession, sought by said Superintendent or his representative for the purpose of a school census, or falsifies in regard to the same, shall be liable to and punished by fine not exceeding \$20, or by imprisonment not exceeding 30 days.

§4 The money required for the purpose of carrying this act into effect shall be paid by the towns and cities respectively included in the provisions of the act, and shall be paid for the service rendered in taking the school census, on the certificate of the State Superintendent that such census has been satisfactorily taken.

§5 This act shall take effect immediately.

CHAPTER 768, LAWS OF 1895

An act authorizing the State Superintendent of Public Instruction to appoint his chief clerk as second deputy

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The State Superintendent of Public Instruction is hereby authorized to appoint his chief clerk as Second Deputy Superintendent of Public Instruction, who shall have power to perform the duties of the deputy superintendent of public instruction; and such second deputy shall not receive any extra salary by reason of such appointment.

§2 This act shall take effect immediately.

CHAPTER 573, LAWS OF 1892

An act for the encouragement of common schools and public libraries

Approved May 14, 1892

Sections 1 to 8, inclusive, of the above entitled chapter are contained in and constitute title 13 of the consolidated school law of 1894, chapter 556 of the laws of 1894, relating to "common schools and public libraries."

¹§9 The sum of \$55,000 directed to be distributed to the several cities and school districts of the state by section 4 of chapter 237 of the laws of 1838, shall continue to be appropriated and shall be known as school library moneys and shall be applied to the purchase of books for the formation or extension of common school libraries, and for the necessary expenses of the state school library for the benefit and free use of the teachers of the state, to be circulated under such rules and regulations as the State Superintendent of Public Instruction may establish. All payments for said state

¹ As amended by section 1, chapter 546, laws of 1895.

school library shall be made by the Treasurer upon the warrant of the Comptroller, upon bills approved by the State Superintendent of Public Instruction.

§10 For the fiscal year beginning Oct. 1, 1892, but not thereafter, out of said \$55,000, school library money, there shall be paid \$25,000 for public library money, and said \$25,000 shall be paid by the Treasurer, on the warrant of the Comptroller, according to an apportionment to be made for the benefit of free libraries by the Regents in accordance with their rules and authenticated by the University seal; provided that none of this money shall be spent for books except those approved or selected and furnished by the Regents; that no locality shall share in the apportionment unless it shall raise for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the Regents shall file with the Comptroller proper vouchers showing that it has been spent in accordance with law exclusively for books for free public libraries or for proper expenses incurred for their benefit; and the books paid for by the state shall be subject to return to the Regents whenever the library shall neglect or refuse to conform to the ordinances under which it secured them.

§11 **Repeals.** Section 4, chapter 237 of the laws of 1838 is hereby repealed, and sections 1 to 9 of this act are hereby substituted for title 8, of chapter 555 of the laws of 1864, which said title 8 is hereby repealed; and all other acts repugnant to or inconsistent with the provisions of this act are, so far as they are so inconsistent, hereby repealed.

§12 This act shall take effect immediately.

CHAPTER 668, LAWS OF 1904

An act to encourage local school authorities in establishing school libraries for use in the common schools

Became a law May 9, 1904, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The sum of \$45,000 is hereby appropriated for the establishment and extension of school libraries for use in the common schools in addition to all sums otherwise appropriated therefor, and the moneys herein appropriated, together with any other money that

may be available or that may hereafter be appropriated for that purpose, shall be distributed and expended in accordance with regulations prescribed by the Commissioner of Education, provided that every city and school district which shall share in the distribution thereof shall raise by tax or otherwise and shall expend for the same purpose a sum at least equal to that granted such city or school district from state funds.

§2 All moneys granted for school libraries shall be paid by the State Treasurer on the warrant of the Comptroller on the certificate of the Commissioner of Education to the treasurers or chamberlains of the respective cities and to the fiscal officers of the school districts entitled thereto; and shall be used only in the purchase of such books as shall have been approved by the Commissioner of Education.

§3 The Commissioner of Education may on request of local school authorities select or buy books for any library or school under his supervision.

§4 This act shall take effect immediately.

CHAPTER 1031, LAWS OF 1895

An act to encourage and to promote the professional training of teachers

1§1 The board of education or the public school authorities of any city or of any village employing a superintendent of schools, may establish, maintain, direct and control one or more schools or classes for the professional instruction and training of teachers in the principles of education and in the method of instruction for not less than 38 weeks in each school year.

2§2 Toward the maintenance and support of these schools and classes established pursuant to this act, or heretofore established and maintained for similar purposes, and whose requirements for admission and whose course of studies are made with the approval of the State Superintendent of Public Instruction, and under whose direction such classes shall be conducted, the said Superintendent is hereby authorized and directed in each year to set apart, to apportion, and to pay from the free school fund \$1 for each week of instruction of each pupil, and the sum of \$40,000 is hereby appropriated to carry out the provisions of this act until the close of the school year of 1897. Such apportionment and payment

¹ As amended by chapter 495, laws of 1897.

² As amended by chapter 646, laws of 1896.

shall be made upon the report of the local superintendent of schools' filed with the State Superintendent of Public Instruction, who shall draw his warrant upon the State Treasurer for the amount apportioned.

§3 If the total sum to be apportioned and to be paid, as provided by section 2 of this act, shall in any one year exceed the said sum of \$100,000, the said State Superintendent of Public Instruction shall apportion to each school and class its pro rata of said sum upon the basis described in section 2 of this act,

§4 After Jan. 1, 1897, no person shall be employed or licensed to teach in the primary and grammar schools of any city authorized by law to employ a superintendent of schools, who has not had successful experience in teaching for at least three years, or, in lieu thereof, has not completed a three years course in, and graduated from a high school or academy having a course of study of not less than three years, approved by the State Superintendent of Public Instruction, or from some institution of learning of equal or higher rank, approved by the same authority, and who, subsequently to such graduation, has not graduated from a school or class for the professional training of teachers, having a course of study of not less than 38 weeks, approved by the State Superintendent of Public Instruction. Nothing in this act shall be construed to restrict any board of education of any city from requiring such additional qualifications of teachers as said board may determine; nor shall the provisions of this act preclude the board of education of any city or village from accepting the diploma of any state normal and training school of the State of New York, or a state certificate obtained on examination, as an equivalent for the preparation in scholarship and professional training herein required.

§5 All acts and parts of acts inconsistent with this act are hereby repealed.

§6 This act shall take effect immediately.

CHAPTER 492, LAWS OF 1900

An act to secure equal rights to colored children in the State of New York, and to repeal section 28, article 11, title 15, of chapter 556 of the laws of 1894, entitled "The consolidated school law"

Became a law Ap. 18, 1900, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 No person shall be refused admission into or be excluded from any public school in the State of New York on account of race or color.

§2 Section 28, article 11, title 15 of chapter 556 of the laws of 1894, which reads as follows: "The school authorities of any city or incorporated village the schools of which are or shall be organized under title 8 of this act, or under special act, may, when they shall deem it expedient, establish a separate school or separate schools for instruction of children and youth of African descent resident therein, and over 5 and under 21 years of age; and such school or schools shall be supported in the same manner and to the same extent as the school or schools supported therein for white children and they shall be subject to the same rules and regulations, and be furnished facilities for instruction equal to those furnished to the white schools therein," is hereby repealed.

§3 This act shall take effect on the first day of September, 1900.

CHAPTER 201, LAWS OF 1901

An act providing for fire drills in the schools of this state

Became a law Mar. 27, 1901, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than 100 pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§2 Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this act shall be a misdemeanor, punishable at the discretion of the court by a fine not exceeding \$50. Such fine to be paid to the pension fund of the local fire department where there is such a fund.

§3 It shall be the duty of the board of education or school board or other body having control of the schools in any town or city to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§4 The provisions of this act shall not apply to colleges or universities.

§5 This act shall take effect June 1, 1901.

CHAPTER 125, LAWS OF 1903

An act to provide for the division of union free school districts containing territory of two or more incorporated villages

Became a law Ap. 3, 1903, with the approval of the Governor. Passed, a majority being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 In any union free school district within the limits of which there shall be territory of two or more incorporated villages the board of trustees of any village whose entire district is within said school district may call a special meeting of the voters, duly qualified under the consolidated school law to vote at a school meeting, to determine whether that portion of any such school district comprising the village holding such special meeting shall be separated from such school district and be a separate union free school district with limits corresponding with the limits of such village. Notice of the time and place of any such special meeting shall be published by the board of trustees calling the same once a week for two successive weeks in each newspaper actually printed and published in such village and if there be no such newspaper published in such village, such notice shall then be given by posting in at least ten conspicuous places in said village.

§2 The village clerk of the village holding such special meeting

shall cause to be prepared and furnished for the use of the voters at any such special meeting ballots (which shall conform as near as may be to the election law) in favor of and against organizing the territory within such village into a separate school district. The members of the board of trustees of any village holding such special meeting shall act as inspectors and shall canvass the votes cast and if a majority thereof shall be in favor of constituting the territory within such village a separate school district said board of trustees shall forthwith certify the result of such canvass to the school commissioner of the school commissioner district in which such village is situated, and said school commissioner shall thereupon declare by certificate under his hand the territory within such village limits a separate school district and designate it as union free school district number of the town of

§3 Within 10 days after the school commissioner shall have designated any separate school district organized under the provisions of this act he shall call a special meeting of the qualified voters of such school district at a time and place to be named by him to elect a board of education to consist of six members, two of whom shall be elected for one year, two for two years and two for three years from the date of the annual school meeting next succeeding such special meeting. The call for such special meeting so to be made by the school commissioner shall be published as provided in section 1 of this act for the special meeting to determine as to whether the school district shall be divided. The school commissioner shall call such special meeting to order and the voters present shall elect a chairman and secretary for such meeting and appoint three tellers to canvass the votes cast. After the votes shall have been canvassed the chairman and secretary shall forthwith certify the result of such canvass to the said school commissioner, who shall within five days thereafter call the members of the board of education, shown by said certificate to have been elected, together for the purpose of organization, and said certificate of the result of such canvass shall thereupon become a part of the record of said school district.

§5 If at the time of the organization of any school district as provided in this act there shall be any outstanding bonded or other indebtedness chargeable against the school district of which the territory so separately organized was a part, the school commissioner shall apportion said indebtedness between the newly organized district and the remaining portion of the old district according to the assessed valuation of each and the amounts of

said indebtedness so apportioned shall become a charge for principal and interest upon the respective districts as though the same had been incurred by said districts separately.

§6 Nothing herein contained shall be construed so as to prevent any child of school age residing in any part of a school district so divided from attending school in the part of the district remaining after any such division until the close of the school year in which such division was made, provided, however, that the tax for said school year has theretofore been levied on the real and personal property of the school district before the division for the support of such school for the current school year.

§7 This act shall take effect immediately.

CHAPTER 542, LAWS OF 1903

An act to provide for free tuition of nonresident pupils in schools maintaining an academic department and making an appropriation therefor

Became a law May 11, 1903, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated for the payment by the Comptroller of the tuition of nonresident pupils from schools in this state not maintaining an academic department who shall be admitted to schools maintaining an academic department without other expense for tuition than that provided in this act. Such payment however shall only be made upon the joint certificate of the State Superintendent of Public Instruction and of the Chancellor of the University of the State of New York in accordance with regulations jointly established by them to such schools as maintain a course of study approved by them and shall be at the rate of \$20 per year for a school year of at least 32 weeks or a proportionate amount for a shorter period of attendance of not less than eight weeks.

§2 This act shall take effect immediately.

CHAPTER 388, LAWS OF 1905

An act to authorize the acceptance by this state of gifts, bequests, and assignments of the bonds, warrants, choses in action, or other obligations of any other state and to enforce the collection thereof

Became a law May 16, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Whenever any person or persons, copartnership, corporation or association shall give, bequeath or assign to the State of New York any bonds, warrants, choses in action or other obligations of any other state, the governor is hereby authorized in his discretion, to receive and accept the same for the benefit of the state and the right and title thereto and therein shall thereupon pass to and vest in this state and the same and all the proceeds thereof when collected shall be held by the Comptroller in a special account or fund subject to be appropriated by the Legislature only for the support of common schools, or for the promotion of some educational interest in the state.

§2 Whenever it shall be necessary to protect or assert the right or title of the state to any such bonds, warrants, choses in action or other obligations so received, or to collect or enforce the same or any part thereof, principal or interest, the Attorney General is hereby authorized and directed to take the necessary and proper proceedings or to bring suit thereon in the name of the state in any court of competent jurisdiction, state or federal, and to prosecute all such suits or proceedings to a termination.

§3 This act shall take effect immediately.

CHAPTER 393, LAWS OF 1905

An act to amend chapter 516 of the laws of 1892, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowing, erection and maintenance of public libraries, museums and other educational institutions within this state"

Became a law May 16, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 1 of chapter 516 of the laws of 1892, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowing, erection and maintenance of public libraries, museums and other educational institutions within this state," is hereby amended to read as follows:

§1 Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum or other educational institutions, or a chapel and crematory within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant (and to their successors), any property, real or personal, belonging to such person, and situated or being within this state.

§2 This act shall take effect immediately.

CHAPTER 424, LAWS OF 1904

An act to provide for the compulsory education of Indian children on the Indian reservations

Became a law Ap. 27, 1904, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 **Short title.** This chapter shall be known as the compulsory education law for the Indian reservations.

§2 **Definitions.** The term person, in parental relations to an Indian child, includes the parents, guardians or other persons, wheth-

one or more, lawfully having the care, custody or control of such child. An Indian child under 16 years of age required by the persons in parental relations to such child to attend upon lawful instruction at a school or elsewhere upon which such child is entitled to attend, is lawfully required to attend such school. An Indian child between 6 and 16 years of age, who is required by law to attend upon instruction, and is required by the persons in parental relations to such child, to attend upon lawful instruction at a school or elsewhere upon which such child is entitled to attend, is lawfully required to attend upon such instruction, and if not required by the persons in parental relation to such child to attend upon any instruction, is lawfully required to attend a school on the reservation, upon which such child shall reside.

§3 Required attendance upon instruction. Every Indian child between 6 and 16 years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at such school as follows: Every Indian child between 14 and 16 years of age not regularly and lawfully engaged in any useful employment or service, and every such child between 6 and 14 years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child shall reside; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in public schools for children of like age. Occasional absences from such attendance, not amounting to irregular attendance in a fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practices of public schools.

§4 Duties of persons in parental relation to Indian children. Any person in parental relation to an Indian child between 6 and 16 years of age in proper physical and mental condition to attend

school, shall cause such child to so attend upon instruction or shall present to the superintendent of Indian schools of the reservation on which such child resides proof by affidavit that he is unable to compel such child to so attend. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding \$5 or by imprisonment not exceeding 10 days, and for each subsequent offense, by a fine not exceeding \$25, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. Courts of special sessions shall, subject to removal, as provided in sections 57 and 58 of the Code of Criminal Procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violation of this section within their respective jurisdictions.

§ 5 Persons employing Indian children unlawfully to be fined. It shall be unlawful for any person, firm, association or corporation to employ any Indian child residing on any Indian reservation between 6 and 14 years of age, in any business or service whatever, during any part of the term during which the school in the community or district in which such child resides is in session, or to employ any Indian child residing on any reservation between 14 and 16 years of age, who does not, at the time of such employment present a consent in writing signed by the superintendent of the Indian schools on the reservation on which such child resides to the effect that such child may be employed, and specifying the nature of the service and the duration of such service or employment; and any person, firm, association or corporation who shall employ any Indian child contrary to the provisions of this section shall for each offense forfeit and pay to the superintendent of Indian schools of the reservation on which such child resides, a penalty of \$25, the same, when paid, to be used for the support and maintenance of the schools on said reservation.

§ 6 Teachers record of attendance. An accurate record attendance of all Indian children between 6 and 16 years of age shall be kept by the teacher of every Indian school, showing each day, by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction such Indian child shall attend elsewhere than at the school in the community or district of the reservation where he resides, shall keep a like record of such attendance. Such record shall at all times be open to the superintendent of the Indian schools on their respective reservations and to such persons as they may designate as attendance officers, who may in-

spect or copy the same, and any teacher shall answer all inquiries lawfully made by such superintendents or attendance officer or other persons; and a wilful neglect or refusal to keep such a record or answer any such inquiry shall be a misdemeanor.

§7 Attendance officers. The superintendents of the Indian schools on their respective reservations shall supervise the enforcement of this act within said reservations and they shall appoint and may remove at pleasure such number of attendance officers as the Commissioner of Education shall deem necessary, whose jurisdiction shall extend over all school districts on the reservation for which they shall be appointed, and he shall prescribe their duties, not inconsistent with this act and may make rules and regulations for the performance thereof. And said superintendent is also vested with the same power and authority as the attendance officers appointed by him.

§8 Arrest of truants. Any attendance officer may arrest without warrant anywhere within the state, any Indian child between 6 and 16 years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the district or districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a truant school, as provided in the next section.

§9 Superintendent to contract for keeping of truants. The superintendent of Indian schools on any of the Indian reservations may contract with any city or district having a truant school, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided shall be audited by the Commissioner of Education and paid in the same manner as the expenses of supporting and maintaining the schools on said reservation are paid.

§10 Enumeration. The superintendent of Indian schools on the several Indian reservations shall whenever so directed by the Commissioner of Education, make a complete enumeration of the Indian inhabitants on said reservations; such enumeration shall be made between the first day of May and the first day of August and

shall be tabulated by said superintendent, and such tabulation shall show the name and age of each Indian person on said reservations and shall show in what school district each of such persons reside. Such superintendents shall designate in such tabulation, the district in which each Indian child of school age shall be required to attend school.

§11 Payment of services herein required. The superintendents of Indian schools on the several Indian reservations shall be entitled to receive the sum of \$3 per day, in addition to the salary now paid to such superintendents, for each day necessarily spent by them in enforcing the provisions of this act and also for each day necessarily spent in making the enumerations of the reservations and tabulating the same, together with their necessary expenses while employed in enumerating and tabulating the same and enforcing the provisions of this act. Each of the attendance officers herein provided for shall receive such sum per day as shall be fixed by said superintendents of Indian schools for each day necessarily employed in enforcing this act; and each person employed by said superintendents to assist them in taking and tabulating the census of the residents of said reservations, shall be entitled to such compensation as he shall contract for with said superintendents of said schools, not exceeding \$2 per day, together with necessary expenses. The expense in taking the enumeration herein provided for shall be audited by the Commissioner of Education and paid in the same manner as other accounts for the support and maintenance of the schools on said reservations are now paid.

§12 Chapter 183 of the laws of 1900 and chapter 188 of the laws of 1901 are hereby repealed.

§13 This act shall take effect May 1, 1904.

CHAPTER 155, LAWS OF 1905

An act to bring union free school district no. 11, town of Southampton, in the county of Suffolk, under the provisions of the consolidated school law

Became a law Ap. 8, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Union free school district no. 11, town of Southampton, in the county of Suffolk, is continued under such name and number

and the boundaries thereof shall be the same as its boundaries now are until altered as the law provides.

§2 The said union free school district no. 11, town of Southampton, shall hereafter, in all respects, be subject to and governed by the provisions of chapter 556 of the laws of 1894, being the consolidated school law, and all amendments which have been and which may hereafter be made thereto.

§3 Chapter 441 of the laws of 1862 and all amendments thereto are hereby repealed.

§4 This act shall take effect immediately.

CHAPTER 587, LAWS OF 1905

An act to amend the state finance law, in relation to the education fund
Became a law May 19, 1905, with the approval of the Governor. Passed,
three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Section 80 of article 4 of chapter 413 of the laws of 1897, entitled "An act relating to state finances, constituting chapter 10 of the general laws," as amended by chapter 225 of the laws of 1904 is hereby amended to read as follows:

§80 **The education fund.** The common school fund, the literature fund, and the United States deposit fund, shall continue to consist of all moneys, securities or other property in the treasury of the state, or under the control of any state officer, and of all debts due the state, or real property owned by it, belonging to such fund. The proceeds of all lands which belonged to the state on Jan. 1, 1823, except the parts thereof reserved or apportioned to public use, or ceded to the United States, shall belong to the common school fund. In case of any diminution of capital belonging to the common school fund, United States deposit fund or literature fund, there shall be transferred to the capital of such fund or funds from the income thereof so much as may be necessary to preserve the capital inviolate. Of the income of the United States deposit fund, \$25,000 shall annually be added to the capital of the common school fund. It shall be the duty of the Comptroller, at the close of each fiscal year, to transfer to the general fund the remainder of the income of the common school fund, United States deposit fund and literature fund, which together with such amounts as may be raised or received by taxation or otherwise for educa-

tional purposes, shall constitute the education fund, and appropriations therefrom may be made annually for the support of the educational system of the state, to be apportioned by the Commissioner of Education in the manner provided by law, which apportionment shall be certified by the Commissioner of Education to the Comptroller for distribution and payment. The amount appropriated by the Legislature for the support and maintenance of the common school system of the state, shall be payable from the treasury upon the warrant of the Comptroller, and the Comptroller shall countersign and enter all checks drawn by the Treasurer in payment of his warrants, and all receipts of the Treasurer for such payments paid to the Treasurer, and no such receipts shall be evidence of payment unless they be so countersigned.

§ 2 This act shall take effect immediately.

CHAPTER 767, LAWS OF 1895

An act to provide additional compensation for teachers of common schools in any town of the state who have taught therein continuously 25 years or more

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1 Upon the petition of 25 or more taxpayers of any town in the county of the state requesting the submission at the next ensuing annual town meeting of such town made not less than 10 days before the accruing thereof, of the question of making provision by taxation upon the taxable property in such town for a sum of money sufficient to pay such teachers resident of such town, who have been employed in the common schools thereof for not less than 25 years, and have rendered continuous service in teaching for such period, with such intermission only as may have occurred in the allotment of school terms or from sickness, the town board of such town shall cause to be submitted to the taxpayers of such town, at the next ensuing town meeting upon due notice thereof published in a newspaper printed in such town, if any paper be published therein, or printed or written notices posted in not less than 10 public places in such town, the question whether a sufficient sum of money be raised from the taxable property within such town to pay said teachers as compensation for long and meritorious service so

long as said teachers reside in such town, upon the conditions, at the times and in the manner hereinafter provided.

§ 2 In the event of such petition being so made and presented to the supervisor of any town, and notice being given as provided in section 1 of this act, the town board shall furnish the necessary ballots in number and forms for the use of the voters of such town at the next ensuing annual town meeting, and shall provide separate ballot boxes for the reception of ballots cast thereat on the question submitted. One half of the number of said ballots shall have printed thereon, respectively, "for teachers' pension fund," and the other half shall have printed thereon, respectively, "against teachers' pension fund," and such votes as may be cast shall be counted and returned by the officers presiding at said town meeting the same as other votes are counted and returned. If a majority of the votes so cast be found to be in favor of raising a sum of money sufficient to provide for such fund, and not otherwise, the town board of such town shall immediately thereafter proceed to ascertain what teachers of such class are entitled to the benefits conferred by this act and to receive their proportionate share of the money so voted to be paid, and said board shall require of every person applying therefor, who has taught in the common schools of such town for the period of 25 years or more, to make concise statement of the term of service, the districts in which he or she has taught and the wages, monthly or weekly, received during the last year in which said teacher taught, which statement shall be acknowledged before any officer qualified to take acknowledgments, and filed in the office of the clerk of such town. Thereupon, and at the next annual meeting of the board of supervisors of the county, and at every annual meeting thereafter, the said board shall include in the tax levy of the town so voting as hereinbefore provided in favor of a teachers' pension fund, the amount necessary in each year as estimated and reported by the town board of such town, which sum, when collected, shall be paid over by the collector of such town, to the supervisor thereof, who shall pay out the said money to the teachers found to be entitled thereto in amount to each such teacher, in monthly payments equal to one half the sum received as teachers' monthly or weekly wages by each such teacher during the last year such teacher was employed to teach in the common schools of such town. And such teachers sharing in the money so appropriated and paid shall be allowed such amount in instalments herein provided as long as they continue to reside in such town, but no longer, and they shall, in re-

ceiving the benefits conferred by this act be deemed to be retired from teaching and placed upon a roll kept by the town clerk of the town as superannuated and retired teachers.

§3 When a vote has been had on the proposition provided to be so submitted by this act in any town, and such vote shall have been against the teachers' pension fund, another vote on the same question shall not be taken again within three years of the first vote so taken; [subject, however, if not physically disabled, to perform such service in the place of any teacher temporarily absent or disqualified, as the school commissioner may require and direct without additional compensation]¹.

§4 This act shall take effect immediately.

CHAPTER 608, LAWS OF 1905

²An act to establish a retirement fund for pensioning retired school teachers in the city of Rochester, and to regulate the collection and management thereof

Accepted by the city

Became a law May 25, 1905, with the approval of the Governor. Passed, three fifths being present

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1 Subdiv. 1 The board of education, the superintendent of schools, one principal, and one teacher of the public schools shall constitute a board of trustees who shall have the general care and management of the public school teachers' retirement fund created by this act. In September, 1905, and in the same month every second year thereafter, a meeting of all the teachers and principals of the public schools of Rochester shall be called by the superintendent, at which time and place one principal and one teacher, then in active service, shall be chosen by the assembled teachers and principals to serve for a term of two years upon the board of trustees hereinbefore mentioned. The said board of trustees is empowered to make payment from said fund, of the annuities granted in pur-

¹ This bracketed clause should come at the close of section 2. The mistake of the engrossing department was not discovered till the law was signed.

² This chapter is printed in this work for the purpose of supplying one of the most recent laws on this subject. Information relative to the laws on this subject for other cities may be obtained by communicating with the superintendent of schools for the several cities of the state.

suarce of this act; to take all necessary and proper action in the premises; and to make such rules and regulations for the administration and investment of said fund as it may deem best, except that neither the whole nor any part of said fund shall be invested in any manner otherwise than as the savings banks of the state are by law permitted to invest their funds.

Subdiv. 2 The public school teachers' retirement fund created by this act shall consist of the following moneys with interest or income therefrom, to wit:

a All donations, legacies and gifts which shall be made to said fund.

b 2% per annum of the respective salaries paid to the superintendent of schools, supervisors, principals and teachers regularly employed in the public schools of Rochester, except that no such deduction shall be made from the salary of a superintendent or a supervisor unless within one month from the date this act shall take effect or from the time of his or her appointment, notice in writing shall be given the board of trustees of his or her desire to come within the provisions of this act.

c An amount to be paid each year from the funds appropriated by the city of Rochester for the board of education for the maintenance of the department of education, equal to one half the total sum deducted from the salaries of the superintendent, supervisors, principals and teachers for that year.

d All moneys which may be obtained from other sources or by other means duly and legally devised for the increase of said fund by the board of trustees or with their consent.

Subdiv. 3 The board of education in making the pay rolls for the superintendent, supervisors, principals and teachers hereinbefore mentioned, shall semiannually deduct from the salary of each of said persons a sum equal to 1% of his or her annual salary, except that no such deduction shall be made from the salary of a superintendent or a supervisor who does not come under the provisions of this act as hereinbefore mentioned, and shall certify the amount of such deductions and the names of the persons from whose salaries such deductions have been made; and such certificate shall accompany the pay roll and a warrant for the amount of the deductions so certified shall be drawn payable to the city comptroller, and shall be deposited by him with the city treasurer, who shall retain the same subject to the disposal of said board of trustees as hereinbefore provided. At the same time a warrant shall be drawn payable to the city comptroller for a sum equal to one half

of the amount of the deductions made from the salaries of the said superintendent, supervisors, principals and teachers, made chargeable to the funds appropriated by the city of Rochester for the board of education for the maintenance of the department of education, which sum the said comptroller shall also deposit with the city treasurer, who shall retain the same subject to the disposal of said board of trustees as hereinafter provided.

Subdiv. 4 The city comptroller shall be the custodian of said fund, and the city treasurer shall be the treasurer thereof; and all orders made payable from this fund shall be made upon the vote of the said board of trustees, said orders to be signed by its president and countersigned by the city comptroller and the city treasurer.

Subdiv. 5 *a* The board of education shall have power, on recommendation of the superintendent of schools, to retire from service or refuse to reappoint to service, any supervisor, principal, or teacher who shall have served in such capacity or capacities for an aggregate period of 20 years, if a female, and 25 years, if a male; and any person so retired or refused reappointment, shall become an annuitant under this act, provided that not less than 15 years of such service shall have been rendered in the public schools of Rochester, and in case of any superintendent or supervisor, provided also that he or she shall have come under the provisions of this act in the manner hereinbefore mentioned.

b Any superintendent, supervisor, principal or teacher who shall have served in such capacity or capacities for a period of 30 years, if a female, or 35 years, if a male, may with the consent of the board of education, retire from service and become an annuitant under this act, provided that not less than 15 years of such service, shall have been performed in the public schools of the city of Rochester, and in case of any superintendent or supervisor, provided also that he or she shall have come under the provisions of this act in the manner hereinbefore mentioned.

Subdiv. 6 Annuities paid in pursuance of this act shall be one half the amount of the annual salary of the annuitant at the time of retirement from service, except that no annuity shall exceed \$800 annually; but if the moneys at the disposal of the trustees of said fund be found at any time inadequate to fully carry out the provisions hereinabove mentioned, the trustees shall then pay to the persons entitled to participate in said fund as near a pro rata amount as in their judgment the circumstances will warrant.

Subdiv. 7 No person shall become an annuitant who has not contributed to the teachers' retirement fund in pursuance of subdivision 3 of this act, an amount equal to at least 40% of his or her annual salary at the time of retirement; but any such person otherwise qualified may become an annuitant by making a cash payment to the retirement fund before receiving any annuity, of such an amount as his or her contributions under said subdivision 3 may have fallen short of the required 40%.

Subdiv. 8 No annuity shall be paid from the teachers' retirement fund before July 1, 1907, but any person duly qualified who shall retire or be retired from service before that time, and after this act shall take effect, shall not be deemed to have forfeited the right to become an annuitant under the provision of this act.

Subdiv. 9 If at any time a superintendent, supervisor, principal, or teacher, who shall be willing to continue service in the public schools of Rochester, shall not be reemployed, or shall be discharged before the time when he or she would under the provisions of this act be entitled to an annuity, then such person shall be paid back, without interest, all the money which may have been deducted from his or her salary in pursuance of this act.

Subdiv. 10 The board of education shall include in its annual report a full account of the condition of the teachers' retirement fund, its amount, the manner of its investment, and all receipts and disbursements on account of said fund during the year.

§2 This act shall take effect Sep. 1, 1905.

Saloon not to be maintained near schoolhouse etc.

CHAPTER 29 OF THE GENERAL LAWS

Liquor tax law

§24 Place in which traffic in liquor shall not be permitted. Traffic in liquors shall not be permitted:

2 Under the provisions of subdivision 1 of section 11 of this act, in any building, yard, booth or other place which shall be on the same street or avenue or within 200 feet of a building occupied exclusively as a church or schoolhouse; the measurements to be taken in a straight line from the center of the nearest entrance of the building used for such church or school to the center of the nearest entrance of the place in which such liquor traffic is desired

to be carried on; provided, however, that this prohibition shall not apply to a place which on the 23d day of March, 1896, was lawfully occupied for a hotel, nor to a place in which such traffic in liquors was actually lawfully carried on at that date, nor to a place which at such date was occupied, or was in process of construction, by a corporation or association which traffics in liquors solely with the members thereof, nor to a place within such limit to which a corporation or association trafficking in liquors solely with the members thereof at such date may remove; but none of the exemptions under subdivision 2 of this section shall apply to subdivision 1 of this section; nor . . .

18 Misc. 346; 23 id. 468; 31 id. 569; 40 N. Y. Supp. 1107; 25 App. Div. 428, 431; 27 id. 564, 570; 34 id. 390; 47 id. 111

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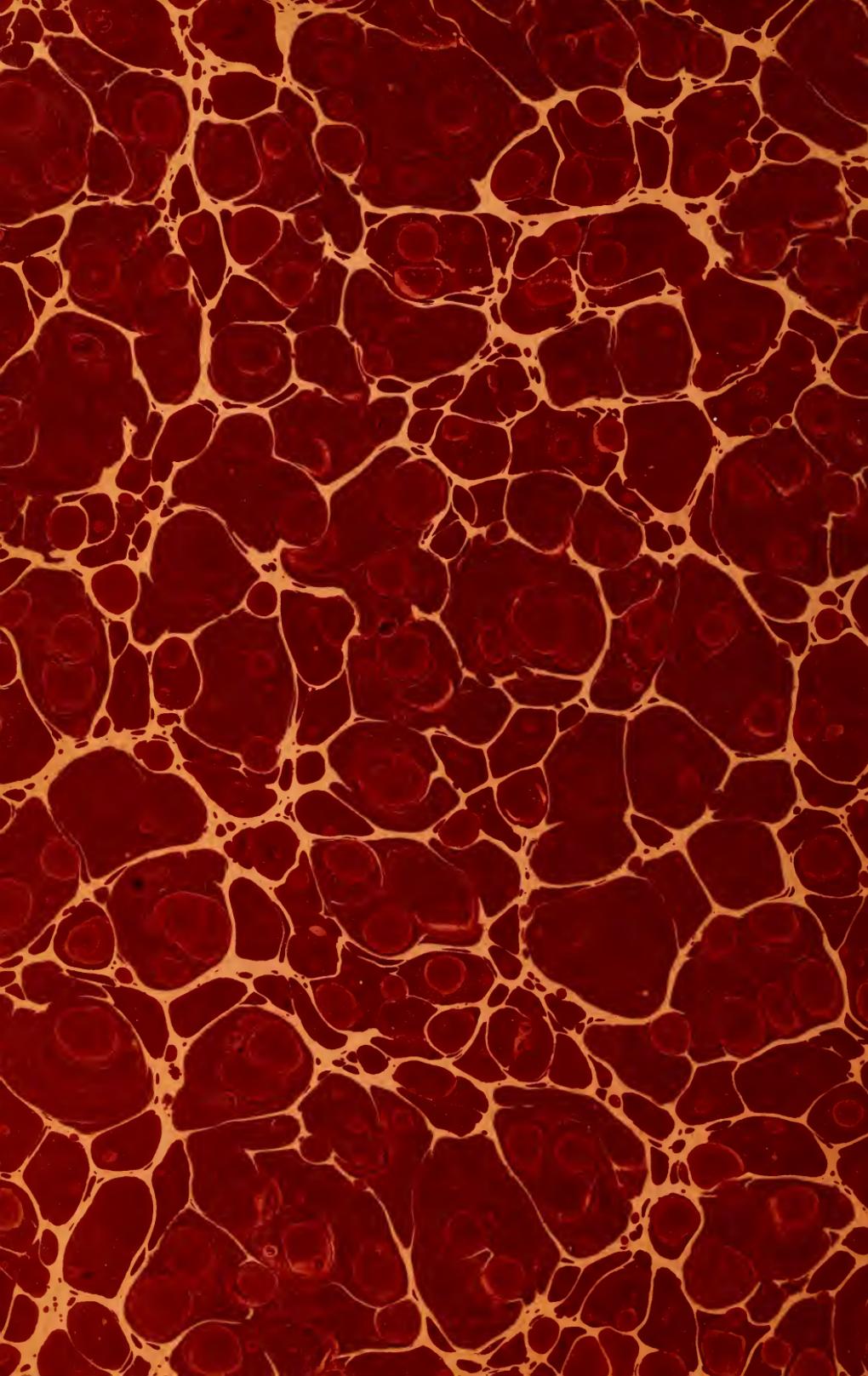
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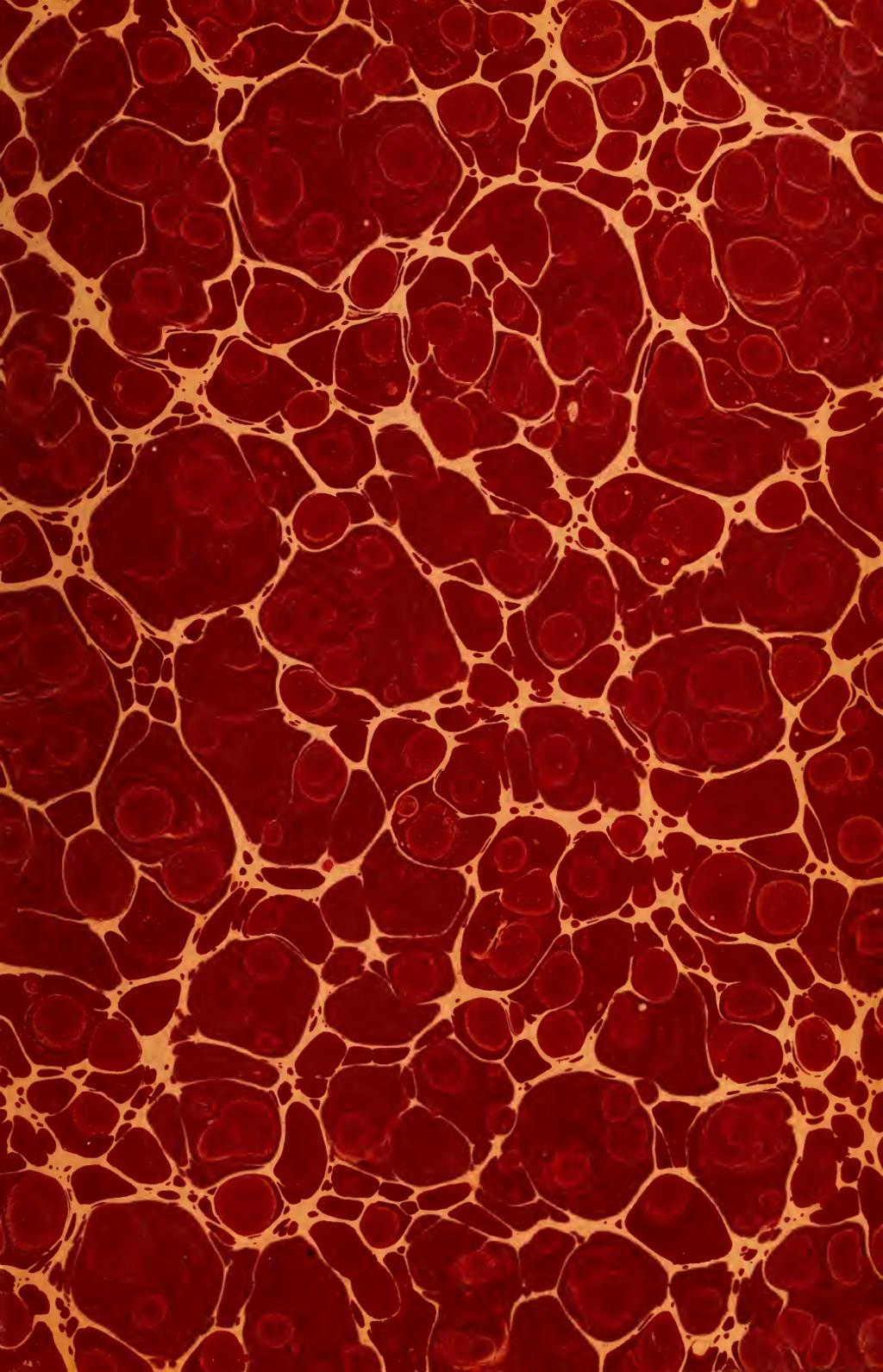
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